

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action
	)	No. 09-10017-GAO
	)	
TAREK MEHANNA,	)	
	)	
Defendant.	)	
	)	

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.  
UNITED STATES DISTRICT JUDGE

DAY EIGHT  
JURY TRIAL

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Thursday, November 3, 2011  
9:03 a.m.

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Official Court Reporters  
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Mechanical Steno - Computer-Aided Transcript

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I N D E X

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>WITNESSES FOR THE</u> <u>GOVERNMENT:</u>				

ALI ABOUBAKR

By Mr. Auerhahn 12

E X H I B I T S

<u>GOVERNMENT'S</u>	<u>DESCRIPTION</u>	<u>FOR ID</u>	<u>IN EVD.</u>
No. 489	Immunity Order		15
No. 741	Photograph of Ahmad Abousamra		16
No. 759	Photograph of Hassan Masood		18
No. 757	Photograph of Kareem Abuzahra		61
No. 760	Photograph of Daniel Spaulding		61
No. 441	Poem written by Tarek Mehanna		112

1 (The following proceedings were held in open court  
2 before the Honorable George A. O'Toole, Jr., United States  
3 District Judge, United States District Court, District of  
4 Massachusetts, at the John J. Moakley United States Courthouse,  
5 One Courthouse Way, Boston, Massachusetts, on November 3, 2011.

6 The defendant, Tarek Mehanna, is present with counsel.  
7 Assistant U.S. Attorneys Aloke Chakravarty and Jeffrey Auerhahn  
8 are present, along with Jeffrey D. Groharing, Trial Attorney,  
9 U.S. Department of Justice, National Security Division.)

00:12 10 THE CLERK: All rise.

11 (The Court enters the courtroom at 9:03 a.m.)

12 THE CLERK: For a continuation of the Mehanna trial.  
13 Please be seated.

14 THE COURT: Good morning. So where are we? Who's  
15 next?

16 MR. CHAKRAVARTY: First cooperator, your Honor,  
17 Mr. Abu Bakr.

18 THE COURT: So are there any other evidentiary matters  
19 we have to deal with?

00:14 20 MS. BASSIL: Yes, your Honor. I want to put on the  
21 record my objection to certain things within what I anticipate  
22 is his testimony. First of all, I want to object to  
23 essentially all of -- they're going to use a fair number of  
24 instant messages with him.

25 THE COURT: Yup.

1 MS. BASSIL: And I do want to object to all of those.  
2 He's not a part of this conspiracy. Even though they  
3 say he's an unindicted cooperator, he did nothing, he  
4 translated nothing, he went nowhere, he planned nothing.  
5 There's nothing relevant about his interactions with Tarek in  
6 terms of this case; all he did was independent advocacy and  
7 free speech. They may have watched videos or talked about  
8 certain political aspects of the world, and they talked about  
9 school, religion and parents. And to that extent I would  
00:15 10 suggest that his testimony is really not relevant.

11 The government is essentially calling him because they  
12 want to put in everything that they feel that Tarek said that  
13 indicated, you know, the word "jihad" or "Osama bin Laden" or  
14 anything of that nature. And those words in and of themselves  
15 are not illegal and are not anything but independent advocacy  
16 under *Holder*. And he is not the only witness that will be  
17 along those lines. So it's a little hard to object to him as  
18 cumulative because there's others that follow, but he will be  
19 cumulative in comparison to other people.

00:15 20 I also have some specific objections as well.

21 THE COURT: Okay. The general objection is overruled.

22 MS. BASSIL: All right.

23 I have an objection. There is -- I believe the  
24 government intends -- the government intends to use multiple  
25 pictures from the defendant's trip to Ground Zero with

1 Ali Aboubakr, and I feel one picture is enough. There is no  
2 need to show multiple pictures. And I object to many of the  
3 extraneous pictures they have of that particular trip: a map  
4 that shows the World Trade Center, pictures of New York. I  
5 don't see the need for all of these multiple pictures.

6 There are also within the instant messages -- and I  
7 don't know because the government -- the way we did it is we  
8 indicated either exhibits or a range of Bates-stamp numbers, so  
9 I don't know exactly which part of which conversations they  
00:16 10 might use, but there are parts within certain conversations  
11 that I would object to as more prejudicial than probative. So,  
12 for example, in Exhibit 623, Mr. Mehanna cites a story, a  
13 parable which is about a Jew being a scribe and that that's not  
14 a good thing. I don't think it's particularly relevant. And  
15 he talks about the -- he talks -- they talk about treatment of  
16 women in the Mideast, and in comparison the rape statistics in  
17 the United States; they talk about jihad, and in comparison  
18 murder statistics in the United States. And I feel that that  
19 is more prejudicial than probative.

00:17 20 On Exhibit 624 there's some very negative comments  
21 about women that, frankly, are irrelevant to this case. And  
22 then we get to the videos, all right? And specifically, there  
23 are two videos that I feel are more prejudicial than probative.  
24 And they both are from, I will call them -- the title is  
25 "Diverse Operations in Iraq." So there were a number of clips,

1 and they might have been "Diverse Operations No. 1," Number 2.  
2 But Video No. 43 shows a Humvee being blown up, and Video No.  
3 50 shows just about the same exact thing.

4 So I don't think -- I think they're more prejudicial  
5 than probative; they're certainly cumulative. They certainly  
6 will be cumulative of even more videos that we anticipate  
7 coming.

8 And then finally, I don't -- Mr. Auerhahn can correct  
9 me. I'm not entirely sure but -- I kind of lost a little bit  
00:18 10 in what went back and forth, but there is one video which is  
11 referred to as the "Slaughter" where most of it is in Arabic.  
12 And, again, there is only a summary translation. So I would  
13 object to the use of that. And I may be wrong about  
14 Mr. Auerhahn using it, so...

15 MR. AUERHAHN: On the latter point, your Honor, we're  
16 certainly, as we discussed yesterday, not using summary  
17 translations. We're going to play a short segment of the video  
18 that she just mentioned. It shows Abu Musab al-Zarqawi. It is  
19 one of the many videos that the defendant promulgated both to  
00:19 20 this witness and to others as well. We can make a more fulsome  
21 argument in terms of the cumulative argument at a later date.  
22 It's hard to do it when the first witness, finally a civilian  
23 witness, is testifying, so cumulative to what is kind of the  
24 question.

25 It's very relevant, all this evidence about 9/11 and

1 Ground Zero, et cetera, for several reasons: First of all,  
2 obviously, admiration for Osama bin Laden and what happened on  
3 9/11 is important because he's charged with material support to  
4 al Qa'ida. So his position with reference to the acts of  
5 al Qa'ida against the United States are very relevant.

6 The other thing is you'll recall in his opening  
7 Mr. Carney said that he was -- I forget the word he used -- but  
8 essentially conflicted about the attacks of 9/11 and it was  
9 only after the invasion of Iraq that he began to look at things  
00:19 10 a little differently. Well, from all of his talk about 9/11,  
11 it's clear there was no conflict. He was very supportive; in  
12 fact, he saw the hijackers as heroes, compared them to  
13 historical figures in Islam. So those are very relevant to the  
14 issues that Mr. Carney has put before the jury with reference  
15 to the alleged metamorphosis of the defendant's beliefs during  
16 this relevant time period.

17 So that's kind of my general response to her  
18 objections to these exhibits and others that are similar to it.

19 THE COURT: Okay. I have reviewed all of these  
00:20 20 yesterday afternoon. And so with respect to the World Trade  
21 Center pictures, by my count there are nine of them. I don't  
22 think that's out of range or unreasonable. I don't think the  
23 videos are particularly -- I don't think that the unfair  
24 prejudice outweighs the probative value.

25 The one chat that I did focus on that I did think

1 contained some prejudicial material that was not necessarily  
2 probative of anything was the portion of, I think it is 624,  
3 where there is an extended conversation about the inferior  
4 status of women.

5 MS. BASSIL: Right.

6 THE COURT: And I didn't think that had anything to do  
7 with --

8 MR. AUERHAHN: I'm sorry. I should have addressed  
9 that. Your Honor, what we did in creating the exhibits, we  
00:21 10 took an entire chat session; in other words, if there was a  
11 two-hour gap between the end of one chat session and the  
12 beginning of the other, we would start the exhibit at that  
13 break and then continue the exhibit throughout the chat session  
14 which may have ended, and then another one might have begun two  
15 hours later, but we didn't consider that part of one chat  
16 session. The reason we did that is obviously anticipating a  
17 defense argument that we're taking things out of context. So  
18 we gave the entire conversation.

19 It is not our intention to read the entirety of each  
00:21 20 of these separate exhibits. So if there's a specific number of  
21 lines on the exhibit you mentioned, I suspect it's not one that  
22 we intended to read, and perhaps it can be redacted when it  
23 goes to the jury. But we didn't want to do that kind of  
24 redaction in advance because we don't want to be accused of  
25 taking things out of context.

1 THE COURT: Okay. Well, I do think that that should  
2 be excised. I don't think it has any particular relevance.  
3 There aren't line numbers so I can't tell you where in the chat  
4 that -- I can show it to you at some point. There is -- I  
5 don't know. Do you have a copy of 624 there?

6 MS. BASSIL: Yes, I do.

7 THE COURT: There's an extended quote that begins  
8 "Verily, the people of the fire"?

9 MS. BASSIL: Can you look at the Bates-stamp number in  
00:22 10 the right-hand corner, your Honor?

11 THE COURT: Oh, 645. That's good. That's a good  
12 guide. We'll skip that, then. Go to 646 if you have the text.

13 MS. BASSIL: Right.

14 THE COURT: Halfway down.

15 MS. BASSIL: "I'm so glad I wasn't created as a  
16 woman," from then on?

17 THE COURT: Yes, "I'm so glad I wasn't created as a  
18 woman."

19 MR. AUERHAHN: I'm sorry, your Honor. Could you do  
00:23 20 that one more time? I'm having trouble finding it.

21 THE COURT: 646. Just after the halfway break where  
22 Sayf Maslool says, "I'm so glad I wasn't created as a woman."

23 MR. AUERHAHN: I'm sorry. Is it Exhibit 646?

24 THE COURT: This is 624.

25 MR. AUERHAHN: Oh, 624. And page number?

1 THE COURT: 646 is the Bates number. The page number  
2 of the exhibit is 161.

3 MR. AUERHAHN: Yes.

4 MS. BASSIL: Which happens to be the Jewish prayer  
5 every morning, by the way.

6 MR. AUERHAHN: Your Honor, we did not intend to read  
7 that part, so I would have no objection to excising, if  
8 Ms. Bassil --

9 THE COURT: The section, I think, would continue, I  
00:23 10 guess, probably to the bottom of Bates No. 649. So then you  
11 could pick it up again at the top of 650.

12 MS. BASSIL: Yes.

13 MR. AUERHAHN: And, your Honor, we did not intend to  
14 read that portion.

15 THE COURT: Okay. Well, we'll exclude that as well  
16 from the written exhibit that goes to the jury. And you could  
17 prepare a redacted version.

18 That was the only portion that I thought qualified for  
19 exclusion under 403.

00:24 20 We were down one juror when I came out.

21 Paul, do you want to check? If they're here, bring  
22 them in; if not, we'll have to wait.

23 Do you expect this witness to take the morning?

24 MR. AUERHAHN: Yes.

25 THE CLERK: Judge, I'll line up the jurors.

1 THE COURT: Fine.

2 Regarding future witnesses, I see there's somebody  
3 named "Fierabend"?

4 MR. CHAKRAVARTY: Fierabend, an FBI agent.

5 THE COURT: Thank you. FBI agent. That's what I  
6 wanted to know, who he was. I didn't know.

7 (Pause.)

8 THE CLERK: All rise for the jury.

9 (The jury enters the courtroom at 9:16 a.m.)

00:26 10 THE CLERK: Please be seated.

11 THE COURT: Good morning, jurors.

12 THE JURORS: Good morning.

13 THE COURT: Mr. Auerhahn?

14 MR. AUERHAHN: Thank you, your Honor. The government  
15 calls Ali Aboubakr.

16 ALI ABOUBAKR, duly sworn

17 THE CLERK: Please be seated.

18 State your name and spell your last name for the  
19 record.

00:28 20 THE WITNESS: Ali Aboubakr. My last name is spelled  
21 A-B-O-U-B-A-K-R.

22 DIRECT EXAMINATION

23 BY MR. AUERHAHN:

24 Q. Good morning, sir.

25 A. Good morning.

1 Q. How old are you?

2 A. Twenty-five.

3 Q. And where were you born?

4 A. In Brighton, Massachusetts.

5 Q. Where did you receive your education?

6 A. Here in the United States.

7 Q. And where did you go to middle school?

8 A. Islamic Academy of New England.

9 Q. And where did you go to high school?

00:28 10 A. Al-Noor Academy.

11 Q. Are your parents born in the United States or immigrants?

12 A. No, they're immigrants.

13 Q. From where?

14 A. Egypt.

15 Q. And do you have any secondary education -- or higher  
16 education? Excuse me.

17 A. Yes. I went to UMass -- to the University of  
18 Massachusetts in Boston.

19 Q. Did you spend your entire college education at UMass  
00:28 20 Boston or did you also study somewhere else?

21 A. No, I studied my freshman year at the University of  
22 Massachusetts in Amherst.

23 Q. Did you complete your studies?

24 A. Yes.

25 Q. And what is your degree in?

1 A. Biochemistry.

2 Q. Are you currently employed?

3 A. Yes.

4 Q. Where are you employed?

5 A. I work for my father at his company.

6 Q. Just generally, what kind of company is it?

7 A. It's a polymer -- or adhesive company.

8 MR. AUERHAHN: Your Honor, we can show the witness  
9 only Exhibit 489. Actually, the witness and the parties, but  
00:29 10 not the jury at this moment.

11 BY MR. AUERHAHN:

12 Q. Sir, on the screen is a two-page document. Do you  
13 recognize what that is?

14 A. Yes.

15 Q. Okay. And what do you recognize that to be?

16 A. It's an immunity order.

17 Q. And do you understand it as an order that directs you to  
18 answer the questions that you're being asked here today?

19 A. Yes.

00:29 20 Q. And can the information you provide be used against you?

21 MS. BASSIL: Objection. This is leading, your Honor.

22 THE COURT: Overruled.

23 You may have it.

24 BY MR. AUERHAHN:

25 Q. Do you understand that the information you provide cannot

1 be used against you?

2 A. Yes.

3 Q. What's your obligation?

4 A. To speak the truth.

5 Q. And what happens if you lie or commit perjury?

6 A. I can be prosecuted for it.

7 MR. AUERHAHN: Okay. Your Honor, I would seek to  
8 introduce Exhibit 489.

9 MS. BASSIL: No objection.

00:30 10 THE COURT: Okay.

11 (Government Exhibit No. 489 received into evidence.)

12 BY MR. AUERHAHN:

13 Q. Now, sir, in preparation for your testimony here today,  
14 did you meet with me on more than one occasion?

15 A. Yes.

16 Q. To review the questions I was going to ask you.

17 A. Yes.

18 MR. AUERHAHN: If we can exhibit to the -- again, to  
19 the witness and the parties only at this point, Exhibit 741.

00:30 20 Q. And, first, do you recognize the person depicted in these  
21 two photographs?

22 A. Yes.

23 Q. And who is the person depicted in these photographs?

24 A. Ahmad Abousamra.

25 MR. AUERHAHN: Your Honor, I would seek to introduce

1 Exhibit 741 and publish it.

2 MS. BASSIL: No objection, your Honor.

3 THE COURT: Okay. 741 is admitted.

4 (Government Exhibit No. 741 received into evidence.)

5 BY MR. AUERHAHN:

6 Q. And what was your relationship to Mr. Abousamra?

7 A. He was a friend. We had known their family for quite some  
8 time. I grew up with his brother.

9 Q. And you say "we." What do you mean by "we"?

00:31 10 A. My family.

11 Q. About how much older or younger is Mr. Abousamra than you  
12 are?

13 A. He's, I believe, like five years older than me. Four or  
14 five years older.

15 Q. Now, in one of these photographs he has a very large  
16 beard. Is there any significance to the really long beard?

17 MS. BASSIL: Objection.

18 THE COURT: Overruled.

19 THE WITNESS: The beard is sort of a symbol, I guess,  
00:31 20 of religiosity. I mean, those people who are considered to be  
21 more conservative and more practicing would grow their beards  
22 sort of to what it looks like here.

23 BY MR. AUERHAHN:

24 Q. In what religion?

25 A. Islam.

1 Q. Which is your faith as well?

2 A. Yes.

3 Q. Now, do you know an individual named Tarek Mehanna?

4 A. I do.

5 Q. And is he in the courtroom today?

6 A. Yes.

7 Q. Can you describe where he's seated?

8 A. He's sitting to the right of his attorney over here.

9 Q. Okay.

00:32 10 MR. AUERHAHN: May the record reflect he's identified  
11 the defendant?

12 THE COURT: All right.

13 MR. AUERHAHN: Thank you.

14 BY MR. AUERHAHN:

15 Q. Now, when did you first meet Mr. Mehanna?

16 A. Prior to 2001. I believe I was in middle school at the  
17 time. Or, yeah, middle school.

18 Q. And approximately what's the age difference between you  
19 and Mr. Mehanna?

00:32 20 A. I believe four years.

21 Q. Let me also show you one more exhibit.

22 MR. AUERHAHN: Again, just for the witness and the  
23 parties.

24 Q. Exhibit 759. Do you know that person?

25 A. Yes.

1 Q. Who's that?

2 A. That's Hassan Masood.

3 MR. AUERHAHN: Your Honor, I would seek to introduce  
4 Exhibit 759.

5 MS. BASSIL: No objection.

6 THE COURT: Okay.

7 (Government Exhibit No. 759 received into evidence.)

8 BY MR. AUERHAHN:

9 Q. And what, if any, relationship was there between  
00:33 10 Mr. Masood and Mr. Abousamra?

11 A. They were good friends.

12 Q. Now, prior to September 11, 2011, did you have any  
13 discussions with Mr. Abousamra first about Osama bin Laden?

14 A. Not that I could recall. No, sorry. I did. The  
15 conversations that I had with Ahmad Abousamra before September  
16 11th were to the effect of sort of bashing Osama bin Laden. He  
17 expressed disdain for him for criticizing the scholars of  
18 Saudi Arabia at the time.

19 Q. And did anything change after September 11th, 2001, with  
00:34 20 reference to Mr. Abousamra's view on Osama bin Laden?

21 A. He expressed admiration for him.

22 Q. And what about the Saudi scholars?

23 A. He began to express disdain for those scholars for --  
24 for -- almost the complete flip for bashing Osama bin Laden.

25 Q. And besides Mr. bin Laden, did he talk about other leaders

1 of al Qa'ida?

2 A. Yes.

3 Q. Who?

4 A. He talked about Ayman al-Zawahiri, Abu Musab al-Zarqawi.  
5 Those were the two prominent ones that I remember him...

6 Q. And what about Mr. Mehanna?

7 A. Same.

8 MR. AUERHAHN: Your Honor, if we can -- may I approach  
9 the witness first?

00:34 10 THE COURT: All right.

11 BY MR. AUERHAHN:

12 Q. Now, sir, I'm placing before you a loose-leaf notebook.  
13 And in preparation for your testimony did you have an  
14 opportunity to review what appear to be stored chats?

15 A. Yes.

16 Q. Okay. And did you review a number of them?

17 A. Yes.

18 Q. And did you recognize them as chats in which you had  
19 participated?

00:35 20 A. Yes.

21 Q. With whom?

22 A. Tarek.

23 Q. Tarek Mehanna, the defendant?

24 A. Yes.

25 MR. AUERHAHN: And if I can first show to the witness

1 Exhibit 623, please.

2 BY MR. AUERHAHN:

3 Q. Is this -- you can look at the screen or the hard copy,  
4 whichever is easier for you. Is this one of the chats you  
5 reviewed?

6 A. Yes.

7 MR. AUERHAHN: And since it's in evidence, your Honor,  
8 I would ask to display it to the jury.

9 THE COURT: All of these, just for my guidance, are in  
00:36 10 evidence, right? Subject to the rulings of yesterday? Okay.  
11 It's being displayed.

12 MR. AUERHAHN: If you could go to page 5, please.

13 BY MR. AUERHAHN:

14 Q. If you could turn to page 5, please?

15 A. (Witness complies.)

16 Q. Can you read the part that's designated as --  
17 "Ali Abu Bakr," that's you, correct?

18 A. Yes.

19 Q. And can you see the part that's highlighted?

00:36 20 A. Yes.

21 Q. Go ahead. If you could start reading?

22 A. "Man, I miss the Ahmed from a few years ago. He is an  
23 awesome brother. But before I'd learn something from him, just  
24 spending a half a minute with him."

25 Q. "Yeah, he's still a good brother."

1 A. "Of course. No doubt he is an amazing brother."

2 Q. "We have a good crew. Everyone has their strengths.  
3 Strengths."

4 Now, when you state "Ahmed," who are you referring to?

5 A. Ahmad Abousamra.

6 Q. Okay. And when you say, "I miss the Ahmed from a few  
7 years ago," can you explain what you meant by that?

8 A. The "Ahmed" that I was referring to was the guy that I  
9 knew who I could spend a couple of hours with and learn  
00:37 10 something pertaining to my religion with regard to -- whether  
11 it was creed or jurisprudence or something like that. Anything  
12 to that effect.

13 Q. And how did he change?

14 A. He started talking more -- there was sort of a political  
15 component to his understanding of Islam and he sort of -- I  
16 mean, there was an element of insanity that was introduced to  
17 his personality that had not been there before.

18 Q. And when you say "political component," what are you  
19 referring to?

00:38 20 A. Jihad.

21 Q. And when you say "jihad," are you talking about internal  
22 struggle or violent jihad?

23 A. No, fighting.

24 Q. And when you go on to say, "We have a good crew," who are  
25 you referring to? Who's the crew? Oh, I'm sorry.

1 A. What are you referring to?

2 Q. Actually, let me back up a second. Sayf Maslool, who is  
3 that?

4 A. Tarek Mehanna.

5 Q. And what does "Sayf" mean?

6 A. Sword.

7 Q. So when Mr. Mehanna says, "We have a good crew," what did  
8 you understand that to be a reference to?

9 A. The guys that we used to hang out with; mainly, me, Tarek,  
00:38 10 Ahmed, Hassan, Dan Spaulding. Those are sort of the names that  
11 come to mind when I think about that.

12 Q. Okay.

13 MR. AUERHAHN: Could you go forward two pages, please?

14 Q. Okay. I'll start reading what's indicated as Mr. Mehanna  
15 and if you could read the part indicating you.

16 "That book about the shaykh, the orange one, the intro to  
17 it. I read it in the Harvard Coop the other day and started  
18 crying?"

19 A. "Which book is this?"

00:39 20 Q. "'Messages to the World.'"

21 A. "Oh. Why?"

22 Q. Let me stop there. Do you know what book is being  
23 referred to?

24 A. Yes.

25 MR. AUERHAHN: And if I can approach the witness, your

1 Honor? It's Exhibit 773.

2 Q. Sir, do you recognize what this is?

3 A. Yes.

4 Q. Is this the book you're referring to?

5 A. Yes, it is.

6 Q. And could you read the title?

7 A. "Messages to the World - The Statements of  
8 Osama bin Laden."

9 Q. Okay.

00:40 10 MR. AUERHAHN: Your Honor, I would move to introduce  
11 the book.

12 MS. BASSIL: Objection.

13 THE COURT: Well, no. Overruled.

14 MS. BASSIL: My understanding was it was the cover of  
15 the book that was the exhibit.

16 THE COURT: Well, no, the book can be admitted.  
17 Overruled. The content is not -- it's not --

18 MS. BASSIL: May we approach sidebar?

19 THE COURT: Well, it's not being offered for proof of  
00:40 20 the content; it's simply an exhibit as a thing, so...

21 BY MR. AUERHAHN:

22 Q. Now, let me go on, continue reading. "The way they were  
23 describing him made me realize how much he truly gave up and  
24 why he gave it up, and then I realized that I look to him as  
25 being my real father, in a sense."

1 A. "That man...subhan'Allah. Glory be to Allah."

2 Q. "You know how some scholars say every time you read the  
3 Qur'an, you learn something from reading a particular verse  
4 that you didn't pick up before?"

5 A. "Yeah."

6 MR. AUERHAHN: Next page, please?

7 Q. "Yeah. For me it's like every time I see him speak or  
8 read anything about him, I love him more than I did before" --

9 A. "Subhan'Allah."

00:41 10 Q. And who do you understand the "him" he's referring to?

11 A. Osama bin Laden.

12 Q. -- "without exception, and I have been following him for  
13 over six years now. From the moment I saw him, the hair on my  
14 arms stood on end without even knowing who he was or what he  
15 was all about. He's the reason I started practicing."

16 A. "Wow, really?"

17 Q. "Yeah. May Allah reward him for it."

18 A. "Amen. You know how I feel about him."

19 Q. "Anyone with manhood and zeal feels the same way about  
00:42 20 him."

21 A. "Yeah, man. Subhan'Allah. With me, ever since I really  
22 felt attached to him, and following what's happening with him.  
23 But before I found the stories of the companions and the  
24 followers and the great scholars to be amazing, and I was  
25 jealous that we didn't have people like that. Now, because of

1 him, I don't have that feeling anymore" -- "at all anymore. I  
2 don't even see a difference between them."

3 Q. When you say -- reference to the "followers" or the  
4 "companions," and comparing Osama bin Laden to them, who are  
5 the "followers" and "companions"?

6 A. Early Muslims -- first generation of Muslims.

7 Q. "Yeah, you feel that there's hope in the world. You have  
8 a living example of piety, like, you know, there is this  
9 hadith" --

00:43 10 MR. AUERHAHN: Next page, please.

11 Q. -- "where the prophet said that the supporters of Allah  
12 are those whom when you simply look at them you remember Allah.  
13 Just by looking at them your iman goes up. I cannot think of a  
14 single person on earth without exception that fulfills this  
15 description. He's the 'Uthman bin 'Affan of our times. Took  
16 all his wealth, gave it to the army."

17 A. "Subhan'Allah. Man, it's hard to believe someone like  
18 that even exists."

19 Q. And when Mr. Mehanna said "the 'Uthman bin 'Affan of our  
00:43 20 times," what did you understand that to mean?

21 A. Well, 'Uthman bin 'Affan was one of the earlier companions  
22 who was known for his wealth, and he was making a comparison  
23 between Osama bin Laden and that contextual -- or that  
24 historical figure in Islam.

25 Q. "Even Abu Musb, blessed by God as he is, but even he looks

1 up to him and considers him his shaykh. Allah knows best."

2 A. "Yeah, that was amazing."

3 Q. The Abu Musab Mr. Mehanna is referring to, do you know that  
4 is?

5 A. Yes.

6 Q. Who's that?

7 A. Abu Musab al-Zarqawi.

8 Q. And who is Abu Musab al-Zarqawi?

9 A. The leader of al Qa'ida at one point.

00:44 10 Q. "Akhi, do you need anything else from me before I log  
11 off?"

12 A. "I think I am all set. May Allah reward you for it."

13 Q. "Call me in the morning."

14 A. "I really appreciate the help."

15 Q. "If you need anything. Anything at all, okay?"

16 A. "May Allah bless you."

17 Q. Okay. Now, was Mr. Bin Laden a topic of a number of  
18 conversation between you and Mr. Mehanna?

19 A. Yes.

00:44 20 MR. AUERHAHN: If we can bring up Exhibit 615, please;  
21 page 1.

22 Q. Okay. If you could start reading the part that's  
23 highlighted, please?

24 A. "I had a customer come in to Barnes & Noble today praising  
25 the shaykh."

1 Q. "Hey, what?"

2 A. "Haha. Dude, you won't believe this. He came in asking  
3 for a book called 'Jaw Breaker.'"

4 Q. "Yes, I know the book."

5 A. "And you know about the author and everything?"

6 Q. "He was part of a covert CIA team that went into  
7 Afghanistan after 9/11."

8 A. "Yeah. Okay. This guy knew the author personally,  
9 according to him. So me and him walked to the section so I  
00:45 10 could show him the book. And the guy goes, 'This man is  
11 amazing.' And I wanted to make sure I knew what he was talking  
12 about because I thought he was talking about the author. So I  
13 asked him, 'You mean the author?' And he was like, 'No, no.  
14 Bin laden.'"

15 Q. Okay. Before we turn to page 2, just this conversation is  
16 Saturday, March 4, 2006, at 1:28:50, is that correct, looking  
17 at the top of the page?

18 A. Yes.

19 MR. AUERHAHN: Okay. Next page, please.

00:46 20 Q. Okay. "Man."

21 A. "And then he told me that he knows the author of the book,  
22 and he said that in a personal discussion he had with him about  
23 the shaykh, the author told him that what bin laden is doing is  
24 not only unbelievable but miraculous."

25 Q. "Wow."

1 A. "He says that they tried everything to catch him and they  
2 came close, but he says that there's another factor they  
3 couldn't figure out and will never figure out about him, which  
4 will never allow the Americans to catch him."

5 Q. "This was an old guy?"

6 A. "He looked like he was in his 40s."

7 Q. "So then what happened?"

8 A. "Dude, I was so flustered I didn't know what to say. I  
9 kind of just laughed it off and just listened to his beautiful  
00:47 10 words."

11 MR. AUERHAHN: If you could bring up Exhibit 614,  
12 please.

13 Q. And, again, sir, this conversation is Thursday, March 2nd,  
14 at 2135. That would be 9:35 p.m. Is that correct?

15 A. Yes.

16 Q. Okay. Okay. If you could read the highlighted portion,  
17 please?

18 A. "Oh, Tariq. Question."

19 Q. "What do you need?"

00:48 20 A. "Was Jalaludeen Haqqani the commander of lion's den?"

21 Q. "No. The lion's den was only Arabs. But he might have  
22 taken part it in somehow, but he didn't command it."

23 A. "Who commanded it?"

24 Q. "The shaykh commanded it."

25 A. "Really? I thought someone else did."

1 Q. "No, it was the shaykh."

2 A. "So who was Jalaludeen Haqqani?"

3 Q. Okay. Let me just stop you for a second. When you talk  
4 about the lion's den, what's that?

5 A. A battle that took place between the mujahideen and the  
6 Soviets, I believe.

7 Q. And when you talk about the shaykh as being the commander  
8 of it, who's the shaykh there?

9 A. Osama bin Laden.

00:48 10 Q. "The hero? The guy was...God bless."

11 A. "Tell me. Tell me. I remember the shaykh mentioned him  
12 when he talked about the attacks on khost in that small tape."

13 Q. "Here's a nice article about him." And there's a link  
14 sent. "All the info you need."

15 A. "May Allah reward you for it."

16 Q. "Very entertaining as well."

17 Before I continue on this next paragraph, did Mr. Mehanna  
18 know more about the history about the war in Afghanistan than  
19 you did?

00:49 20 A. Yes.

21 Q. If we could -- well, "In 1995, Haqqani defected and allied  
22 himself with the emerging Taliban and helped the Taliban  
23 secure" --

24 MR. AUERHAHN: If we can go to the next page.

25 Q. While we're doing that, the Taliban were whom?

1 A. They were in control of Afghanistan prior to 9/11.

2 Q. -- "control of" -- just to read what I started.

3 "In 1995 Haqqani defected and allied himself with the  
4 earthing Taliban and helped the Taliban secure control of  
5 Nangarhar Province in 1996. The defection was a key factor in  
6 securing territorial advantage for the emerging Taliban. At  
7 that time bin Laden was living there as the guest and friend of  
8 Haqqani. Haqqani possessed a valuable trove of apparently at  
9 least 70 U.S. stinger missiles."

00:50 10 A. "Man."

11 Q. "Alaluddin commented to local reporters during his trip,  
12 'We will retreat to the mountains and begin a long gorilla war  
13 to reclaim our pure land from the infidels and free our country  
14 like we did against the Soviets. We are eagerly awaiting the  
15 American troops to land on our soil, where we will deal with  
16 them in our own way. The Americans are creatures of comfort.  
17 They will not be able to sustain the harsh conditions that  
18 await them."

19 A. "Wait. So is he still alive?"

00:50 20 Q. "Praise be to Allah."

21 A. "Oh, okay. I thought he was killed. Man, he looks so  
22 cool."

23 Q. "During the jihad against the Soviets he was nicknamed  
24 'The Tormentor of the Russians.'"

25 A. Laughter. "Amazing."

1 Q. And then you receive a Khattab Tribute and a link.

2 "Another picture."

3 A. "Yeah, I just searched and found that one. I picked up a  
4 new book today in Barnes & Noble about the shaykh, and the  
5 first page I turned to was a picture of him."

6 Q. "Of Haqqani?"

7 A. "Yeah."

8 Q. "Which book?"

9 A. "I forgot the name of it."

00:51 10 Q. "Congratulations."

11 A. "Haha."

12 Q. "Is the audio working?"

13 A. "Yeah. Man, I love that nashid song at the beginning.  
14 That's my second favorite after the labbayk."

15 Q. Okay. Now, on this chat there's some words that are in  
16 light blue. Is that a translation of the Arabic?

17 A. Yes.

18 MR. AUERHAHN: Next page, please.

19 Q. And what's "nashid"? It's translated "song," but is it  
00:51 20 more than that?

21 A. I mean, it's just a song that doesn't contain -- like  
22 musical instruments.

23 Q. "I like the nashid playing in the background when the guy  
24 is reading the poem, 'We Wrote with the Dear Blood.'"

25 A. "Oh, yeah."

1 Q. "I love that reciter."

2 A. "Dude, he's amazing."

3 Q. "Do you know who he is, by any chance?"

4 A. "No, I don't. I wish."

5 Q. "You hear the shaykh at the end?"

6 A. "Yeah."

7 MR. AUERHAHN: Okay. If you could bring up Exhibit  
8 620, please.

9 Q. Now, I'm just going to highlight this portion. "New tape  
00:52 10 from the shaykh. To listen to the tape, go here," okay? And  
11 "shaykh" here is whom?

12 A. Osama bin Laden.

13 Q. And after you receive these kinds of links from  
14 Mr. Mehanna, did you often discuss them?

15 A. Yes.

16 MR. AUERHAHN: Okay. If we can go to Exhibit 619,  
17 please.

18 Q. Okay. And this particular conversation is April 9th at  
19 1:08:23. Is that correct?

00:53 20 A. Yes.

21 Q. Okay. I'm going to start reading. "I am reading this  
22 book at the moment. When I am finished, you must borrow it and  
23 read it."

24 A. "What is it?"

25 Q. "It's called 'Jhd - The Rise of Militant Islam in Central

1 Asia.'"

2 Now, there are vowels missing. Did I read that correctly?  
3 Did you understand that to mean "jihad"?

4 A. Yes.

5 MR. AUERHAHN: Okay. Next page, please.

6 Q. Was it common to use shorthand or abbreviations or code  
7 for the word "jihad"?

8 A. I'm sorry?

9 Q. Was it common for you to use code or abbreviations or code  
00:54 10 or shorthand for the word "jihad"?

11 A. Yes.

12 Q. And, again, when you're talking about "jihad" in these  
13 conversations, it's fighting?

14 A. Yes.

15 Q. Okay. So on the bottom of the last page it said, "It is  
16 called 'Jihad - the Rise of Militant Islam in Central Asia' by  
17 Ahmed Rashid."

18 A. "Yeah, you told me about that book. I saw it at my work  
19 today, actually."

00:54 20 Q. "Akhi, get it. Trust me."

21 A. "Really?"

22 Q. "It is all about" --

23 A. "What sparked your interest?"

24 Q. -- "the history of Islam in Central Asia, Uzbekistan,  
25 Tajikistan, et cetera. Then it goes into the history of the

1 Islamic movements there including the mujahideen. They're  
2 something else, I swear."

3 A. "Man, I'll get it. Subhan'Allah, God willing, and read  
4 it. May Allah reward you for the suggestion."

5 Q. And was this a unique situation where he suggested reading  
6 material for you or did this happen commonly?

7 A. It was common.

8 MR. AUERHAHN: Okay. Next page, please?

9 Q. You were talking about someone and Mr. Mehanna says, "He  
00:55 10 gave allegiance to the shaykh."

11 A. "Haha. What, seriously?"

12 Q. "Yeah. Cause after 9/11 when America started attacking  
13 the Taliban, these brothers left their camps and went to  
14 Afghanistan to help fight the Americans. So he gave allegiance  
15 to the shaykh and Mulla 'Umar and fought under their banner."

16 A. "Man, that's so amazing."

17 Q. And the shaykh, again, is whom?

18 A. Osama bin Laden.

19 Q. And Mulla 'Umar?

00:56 20 A. The leader of the Taliban.

21 MR. AUERHAHN: If we could bring up 611, please. And  
22 go to the bottom of the third page, please.

23 Q. Now, at the bottom --

24 MR. AUERHAHN: Actually, if you could just -- just  
25 that last entry right there. Okay.

1 Q. There's a reference in there to a link to "jihadunspun"  
2 and "19 martyrs." Do you recall what "19 martyrs" is a  
3 reference to?

4 A. Yes.

5 Q. Who were the 19 martyrs?

6 A. The 19 hijackers on 9/11.

7 Q. On September 11, 2001?

8 A. Yes.

9 Q. And you viewed them as martyrs?

00:56 10 A. At the time, yes.

11 Q. Okay. And what's a martyr?

12 A. Someone who dies, or is killed, in battle.

13 Q. And what kind of battle?

14 A. Jihad.

15 Q. And did Mr. Mehanna share that view of the 19 hijackers?

16 A. Yes.

17 MR. AUERHAHN: Next page, please?

18 Q. Okay. "Open the thing and see."

19 A. "I don't know who that is."

00:57 20 Q. "Remember when I asked what time it is?"

21 A. Yeah.

22 Q. "That's who."

23 A. "I don't understand a thing from you. You are telling me  
24 this is 9/11?"

25 Q. "The ones who did it are in the link."

1 A. "Oh, this is it?"

2 Q. "With their beards and turbans."

3 A. "Okay. Why don't you say so. Dude, the coolest looking  
4 one of them is the brother in the top right-hand corner."

5 Q. "He looks like you. His name is Sa'eed al-Ghamidi."

6 A. "What, dude? No, he doesn't."

7 Q. "He was only 19."

8 A. "Subhan'Allah. Glory be to Allah."

9 Q. "His nickname was al-Mu'taz Billah. Do you see the  
00:58 10 brother wearing the brown robe in the middle?"

11 A. "Yeah."

12 Q. "With the long hair? He was a student of Shaykh  
13 'Uthaymin."

14 A. "Subhan'Allah. Glory be to Allah."

15 Q. "He memorized the following: the entire Qur'an in two  
16 months, all of the Bukhari, Muslim, 40 Hadith of an-Nawawi,  
17 Bulugh al-Maram, Attainment of the Objective, all of them with  
18 their complete isnads."

19 A. "Wow, subhan'Allah. Glory be to Allah. That's amazing."

00:58 20 Q. "Even the shaykh referred to him as a shaykh."

21 A. "Subhan'Allah. Glory to be to Allah. That's amazing."

22 Q. Are you talking about individual hijackers?

23 A. Yes.

24 Q. Okay. Did you learn their individual biographies?

25 A. Somewhat, yeah.

1 MR. AUERHAHN: If we can go on to the next page.

2 Q. Okay. If you could start reading?

3 A. "Which one was the direct descendant of Rasullulah."

4 Q. "And he was 25."

5 A. "These men were amazing."

6 Q. Now, sir, do you recall seeing a video that was a tribute  
7 to the 9/11 hijackers?

8 A. Yes.

9 Q. And could you describe, in general terms, what the  
00:59 10 video -- what was on the video?

11 A. It would bring up each one of them individually, and there  
12 was a voiceover of Osama bin Laden describing them  
13 individually.

14 Q. And where did you get the video from?

15 A. Tarek.

16 Q. Tarek Mehanna?

17 A. Tarek Mehanna, yes.

18 Q. Did he give it to you in a link or did he give it to you  
19 on a CD or a VHS tape?

00:59 20 A. I know I received it on a DVD. I may have received it as  
21 a link as well.

22 Q. And did you ever watch it with Mr. Mehanna?

23 A. Yes, I believe so.

24 Q. Did you ever watch it with Mr. Abousamra?

25 A. I can't recall.

1 Q. And on the time that you watched it with Mr. Mehanna, did  
2 you discuss the justification for 9/11?

3 A. Yes.

4 Q. And what did Mr. Mehanna say?

5 A. It may not have been on that specific occasion, but it was  
6 discussed.

7 Q. Okay. And what did Mr. Mehanna say?

8 A. I mean, a few of the arguments were that they were  
9 legitimate targets because they symbolize the infrastructure of  
01:00 10 the United States. And then there was also an argument that  
11 because the United States is a democracy and that everybody has  
12 a say, people are held accountable for foreign policy.

13 MR. AUERHAHN: If we can turn to Exhibit 625, please.

14 Q. Why don't you start reading the part I've highlighted.

15 A. "I got into an argument today with a brother about this  
16 movie 'United 93.' Well, not about it, but I said I wanted to  
17 see it."

18 Q. Okay. Now, first of all, this conversation is May 4th at  
19 8:26:38 p.m.? That's what 20:26:38 would be?

01:01 20 A. Yes.

21 Q. And the "United 93" movie, what is that?

22 A. It's a movie portraying the hijacked flight that crashed  
23 in Pennsylvania on 9/11.

24 MR. AUERHAHN: Next page, please.

25 Q. I'll read. Mr. Mehanna says, "Yeah?"

1 A. "And he flipped on me."

2 Q. "Why?"

3 A. "And he was, like, 'We should boycott this movie' and 'I  
4 have no respect for any Muslim who sees it and they're making  
5 Islam look bad,' and blah blah blah, stupid stuff."

6 Q. "Wait. Why does he want it boycotted?"

7 A. "Because it shows that Muslims are the ones behind 9/11."

8 Q. "Because it makes the Muslims look bad? Yeah, tell him  
9 those planes didn't hijack themselves. And instead of seeing  
01:02 10 the movie, maybe we can show him a video of Muslim civilian  
11 casualties in Iraq and Afghanistan and Palestine. Then maybe  
12 he can make a connection."

13 Now, the last statement of Mr. Mehanna, "then maybe he can  
14 make a connection," what did you understand him to mean by  
15 that?

16 A. That 9/11 was retaliation for the death of Muslims  
17 overseas.

18 MR. AUERHAHN: Okay. If you could pull up Exhibit  
19 628, please, page 2.

01:03 20 Q. Okay. If you could start reading where I've highlighted?

21 A. "Nice, dude. We should go to New York sometime again."

22 Q. "Yeah, as soon as you're out. I need to get some stuff,  
23 and we never prayed inside Masjid al-Faruq where Shaykh Azzam  
24 preached."

25 A. "Yeah, that's true. I want to see Ground Zero during the

1 day so I can make supplication for our brothers," and a smiley  
2 face.

3 Q. "Hehe. You're never going to get enough of that place.  
4 Yeah, also make supplication for the towers. May Allah bless  
5 his soul."

6 A. A phrase indicating laughter. "I've been watching so many  
7 clips of it, man. I still can't believe."

8 Q. "Believe it, son. Hehe. They're not there anymore."

9 A. "I know. But it's so... I don't know how to describe it.  
01:04 10 It's like someone we know dying. You know they're dead but you  
11 can't believe it. I don't know, man, those attacks were  
12 special."

13 Q. "Yeah, glory be to Allah."

14 If I can stop you just for a moment. You say here, "We  
15 should go to New York sometime again." Had you gone to New  
16 York with Mr. Mehanna prior to this conversation?

17 A. Yes.

18 Q. And when you say "Ground Zero," what are you referring to?

19 A. The site of the attacks on 9/11.

01:04 20 Q. And the towers?

21 A. Yes.

22 Q. And when you say "I've been watching so many clips of it,  
23 man," what are you referring to? Clips of what?

24 A. Of the planes flying into the towers.

25 Q. Okay. Okay. I think I've picked up with -- after you

1 said, "I don't know, man, those attacks were special."

2 "Yeah, too bad there was this pizza place next to the  
3 towers that got wiped out."

4 A. "Haha. Dude, I saw that 'United 93' movie."

5 Q. "How was it?"

6 A. "Soo funny."

7 Q. "Oh, God."

8 A. "I was laughing the whole time."

9 Q. "You were prob the only one."

01:05 10 MR. AUERHAHN: Next page, please.

11 Q. Okay. "Haha. You crazy. Good thing I wasn't there."

12 A. "Dude, some parts I couldn't help it. It was so funny."

13 Q. "Tell me about it."

14 A. "Do you know what it's about? Specifically, I mean?"

15 Q. "Yeah, the flight that crashed in PA because some homo who  
16 tried to be heroic."

17 A. "Haha. Yeah, supposedly. They basically made the movie  
18 about those people and the only aircraft they show is that one.

19 The other ones they just show the buildings hitting the World  
01:06 20 Trade Centers. The planes, I mean. They tried to show how  
21 these guys hijacked the plane."

22 Q. "Hehe. How did they look?"

23 A. "They looked like normal Arabs but they put unibrows on  
24 all of them. And I was like, 'This is ridiculous.' One of the  
25 brothers went into the bathroom, took two huge batteries, taped

1     them together and strapped it around himself to make it look  
2     like the suicide bombing. And they showed everyone to the back  
3     of the plane" -- or "they shoved everyone to the back of the  
4     plane. It was so funny. My ribs were hurting. It was that  
5     funny."

6     Q.    "Hahaha. Oh, man."

7     A.    "Oh, yeah. And the brother flying the plane was looking  
8     at the transmitter and it said 'Plane crashed into WTC.'"

9     Q.    "Akhi, be back in a second. Be right back. I have to  
01:07 10    wipe my tears."

11    A.    "Haha."

12    Q.    "Back. Peace."

13    A.    "Waalaikum as-asalam. Peace be upon you."

14    Q.    "Hehe. I don't think I'd be able to last in that  
15    theater."

16    A.    "I don't think so either. It was so unbelievable."

17    Q.    "Okay. Now, let me ask you, are you again talking about  
18    the Flight 93 movie?"

19    A.    "Yes."

01:07 20    Q.    "And did you, in fact, see the movie?"

21    A.    "I did."

22    Q.    "And did you, in fact, laugh so hard as you described to  
23    Mr. Mehanna?"

24    A.    "No."

25    Q.    "And why did you tell him you did?"

1 A. I felt like that was something I could say to him to sort  
2 of humor him or get his approval.

3 MR. AUERHAHN: Next page, please.

4 Q. And why did you think that would be a way of getting his  
5 approval?

6 A. Just based on my relationship with him, I felt like that  
7 was a subject matter I could use.

8 Q. If you could continue reading, please?

9 A. "It was so funny how clueless the Americans were."

01:08 10 Q. "One question: How did it end?" And then a bunch of  
11 hahas.

12 A. "LOL."

13 Q. And then a bunch of smiley faces, right?

14 A. Yes.

15 Q. Go on.

16 A. "Dude, one of the guys like beat up one of the  
17 stewardesses."

18 Q. And again an indication of laughter.

19 A. "Oh, I forgot to finish."

01:08 20 Q. "Was he, like, 'Come here, girl'?"

21 A. "Haha. When he got the message on the transmitter it said  
22 the planes hit the WTC, he looks up at the guy with him and it  
23 was like allahu akbar! God is great. Our brothers hit their  
24 targets."

25 Q. "That was probably Ziyad al-Jarrah Abut Tariq al-Lubnani.

1 He had a sweet tooth, may Allah bless his soul."

2 A. "Man, these guys were amazing."

3 Q. "Ahmad al-Haznawi was on that one too. He was the one who  
4 thanked ash-Shinqiti's son for the fatwa," or legal opinion,  
5 "on such operations."

6 A. "Wait. How do you know he was on that plane?"

7 Q. "Remember the thing I gave you when I came to visit?"

8 A. "Yeah. It says it on that?"

9 Q. "Dude, it's all about that. The shaykh names them one by  
01:09 10 one and mentions their qualities."

11 A. "Yeah, but it says who was where?"

12 Q. "Yes, at the start. It shows them in their respective  
13 groups."

14 A. "Whoa. Wait. So Mohammad Atta was in Boston?"

15 Q. "Yes."

16 A. "No way."

17 Q. "Heheh way."

18 A. "Dude, maybe we saw him at the ISB or something."

19 Q. Okay. And when you talk about the -- or actually, when  
01:09 20 Mr. Mehanna mentions "remember that thing I gave you when I  
21 came to visit," what's he referring to?

22 A. The DVD of the 19 hijackers.

23 Q. Okay.

24 MR. AUERHAHN: Next page, please.

25 Q. If you could start reading.

1 A. "Haha."

2 Q. Again, indication of laughter. "Yeah, he gave the khutbah  
3 when Basyuni wasn't there."

4 A. "Haha. Man, who else was in the Boston group?"

5 Q. "So was Abul-'Abbas al-Janubi, the one who was 'Uthaymin's  
6 student who memorized the Qur'an in two months."

7 A. "The direct descendant of the messenger of Allah."

8 Q. "No, that was Ahmad an-Ni'mi."

9 A. "Man, I need to know these brothers' names the way I know  
01:10 10 the Ten Bearers of Good News."

11 Q. "It's all on the disk, man."

12 A. "I'm going to watch it again."

13 Q. Okay. And then he sends you a link. "Here are the pics  
14 of the bros clean-shaven. The one who looks like you, who you  
15 said was your favorite, was also on the PA flight, Sa'id  
16 al-Ghamidi. So was Ahmad an-Ni'mi from Ahl al-Bayt."

17 A. "Man."

18 Q. And then there's another link.

19 A. "Wait. So what's on the tape is consistent with what  
01:10 20 you're showing me now?"

21 Q. "Yes."

22 A. "Whoa. Saeed al-Ghamidi looks way different."

23 Q. "Yeah, no long hair. He looks like those Saudi kids from  
24 Northeastern or BU who go clubbing."

25 A. "Haha. Yeah. Man, the brother from Ahlul Bait.

1 Masha'Allah. God bless, very beautiful brother."

2 Q. And there's another link containing the "19 martyrs"  
3 reference.

4 And up at the top of the page when you compare them to the  
5 10 Bearers of Good News, what's that a reference to?

6 A. They're also prominent historical figures in Islam.

7 Q. So you compared the 19 9/11 hijackers to historical  
8 figures in Islam?

9 A. Yes.

01:11 10 MR. AUERHAHN: Next page, please.

11 Q. Okay. If you could start reading at the top?

12 A. "Man, the ayah," verse, "I keep thinking of is, 'Among the  
13 believers are men true to what they promised Allah.'"

14 Q. And then there's actually a Wikipedia link about  
15 Ahmad an-Ni'mi from al-Bayt.

16 A. "Man."

17 Q. "That brother, it was narrated about him, that when he was  
18 in Afghanistan, planning to come here, he accidentally left his  
19 passport in his clothes when they were washed so it got all  
01:12 20 distorted. And he had to go through four airports to get here  
21 from Pakistan. But miraculously, they just let him through  
22 even though his passport was not clear."

23 A. "Wow, really?"

24 Q. "And they had a hard time making it out. Yeah, one sec.  
25 I had translated a biography of him a while back. Let me see

1 if I have it still."

2 A. "Hani hanjour? He looks Muslim."

3 Q. "He was from at-Ta'if."

4 A. "Yeah."

5 Q. "He piloted the plane that hit the Pentagon."

6 A. "Yeah, I'm listening to it now."

7 Q. And you received a link of the Abu Hashim bio.doc. Do you  
8 remember receiving that document?

9 A. Yes.

01:12 10 Q. And it was a biography of one of the hijackers by  
11 Mr. Mehanna?

12 A. Yes.

13 Q. "Akhi, I'm going to sleep."

14 A. "Wait one sec."

15 Q. "Yeah. Okay."

16 A. "How come that brother Rabee'a isn't on the FBI thing?"

17 Q. "He is. His real name is Nawwaf al-Hazimi."

18 MR. AUERHAHN: If you could go to the next page,  
19 please.

01:13 20 A. "Oh. Haha. Okay."

21 Q. "He hit the Pentagon. Don't worry."

22 A. Smiley face. "Wait. So the leaders of the groups are the  
23 ones who flew the planes?"

24 Q. "Yeah. They were the amirs of each brigade, actually."

25 A. "And they learned to pilot?"

1 Q. "Rabi'ah (Nawwaf) was one of the people who was friends  
2 with Anwar al-'Awlaqi. Anwar helped him get an apartment when  
3 he first came to the U.S."

4 A. "Haha. Awesome."

5 Q. "Him and Khalid al-Mihdar (from Ahl al-Bayt)."

6 A. "Wait. Who's the brother who memorized everything?"

7 Q. "Abdul 'Aziz al-'Umari. He was in Muhammad 'Atta's  
8 group." And then he sends you a link. "Bottom of the page."

9 MS. BASSIL: Your Honor, could the link -- if  
01:14 10 Mr. Auerhahn is describing a link, could it be identified?

11 MR. AUERHAHN: Well, I mean, the jury has --

12 THE COURT: Well, it's in the exhibit. I mean, for  
13 record purposes it's identified because it's part of the  
14 exhibit.

15 MS. BASSIL: Yes. It just seems unfair to read some  
16 links and not others.

17 MR. AUERHAHN: It's on the screen for the jury, your  
18 Honor.

19 THE COURT: Go ahead.

01:14 20 BY MR. AUERHAHN:

21 Q. I lost my place. "That's him in Afghanistan." And then  
22 there's another link. And then you go on, "Okay. That's" --

23 A. "Okay. That's why he doesn't look so different. He  
24 didn't really have a beard."

25 Q. "Yeah, he was so young."

1 A. "How old?"

2 Q. "Around 22, 23."

3 A. "Subhan'Allah. Glory be to Allah."

4 Q. "Men. True men."

5 A. "Yeah, man."

6 Q. "All right, dude. I'm out."

7 A. "Yeah, me too."

8 Q. "Okay. Take care."

9 A. "You too."

01:15 10 Q. "Peace be upon you."

11 MR. AUERHAHN: If you could quickly go to the next  
12 page.

13 A. "Peace be upon you, Waalaikum as-Salam."

14 Q. "Ya Sa'id al-Ghamidi look alike."

15 A. "Haha."

16 MR. AUERHAHN: If you could go to Exhibit 629, please.

17 Q. Okay. "The 9/11 report from Congress."

18 A. "Yeah, the commission report."

01:16 19 Q. "Haha. Man, I hope you didn't use a credit card to buy  
20 that."

21 A. "Haha. I bought it with cash, bro. They're so retarded.  
22 This book, they try to make out the hijackers to be uneducated  
23 barbarians, which makes no sense, because those attacks were  
24 genius, both the people that planned them and even more so, the  
25 ones who carried them out."

1 Q. "Yeah."

2 Now, during the time period of this conversation, Sunday,  
3 May 14, 2006, did you believe that way, that the attacks were  
4 genius?

5 A. I did.

6 MR. AUERHAHN: Okay. Next page, please.

7 Q. "Ah, well. At the end of the day there is a big empty  
8 space there."

9 A. "LOL."

01:16 10 Q. And "the big empty space" is?

11 A. Ground Zero.

12 MR. AUERHAHN: If you can go to Exhibit 630, please?

13 Okay. Second page, please.

14 Q. If you could start with the second line that I  
15 highlighted. I highlighted one line too many.

16 A. The second line, you said?

17 Q. The second line that's highlighted.

18 A. "I was reading the 9/11 commission record. Obviously,  
19 it's full of lies."

01:17 20 Q. "Yeah."

21 A. "I'm just reading it to see their perspective, but I was  
22 reading the chapter on the hijackers, how they got here and all  
23 that, what they did."

24 Q. "Hehe. Yeah?"

25 A. "Is it true that Khalid Shaykh Mohammed was -- planned all

1 this stuff for them?"

2 Q. "Supposedly. That's what they say. But, akhi" --

3 MR. AUERHAHN: If you could go on to the next page.

4 Q. -- "they have said that about a roughly dozen brothers  
5 ranging from the shaykh to Abu Hafs, and on and on."

6 A. "Yeah. According to the commission report it says when  
7 they were in the country they were given orders by Khalil  
8 Shaykh Mohammed and he was wiring them funds and so on.  
9 Anyways, you know they mention Anwar al-Awlaki in it."

01:18 10 Q. And do you know who Anwar al-Awlaki is?

11 A. Yes.

12 Q. Who is that?

13 A. He was a prominent lecturer in the United States prior to  
14 9/11, and eventually ended up in Yemen where he, according to  
15 the media, became the head of al Qa'ida in the Arabian  
16 Peninsula.

17 MS. BASSIL: Objection, your Honor. Hearsay.

18 THE COURT: Well, it may stand. I think he's  
19 identified it as hearsay.

01:19 20 BY MR. AUERHAHN:

21 Q. Now, if you could read the next highlighted section.

22 A. "They keep saying according to 'KSM.' Garbage."

23 Q. "KSM" being Khalil Shaykh Muhammad?

24 A. Yes.

25 Q. "Well, supposedly he was interrogated heavily, but I

1 believe personally that he is dead."

2 A. "Do you believe he told them that stuff? I do."

3 Q. "It is possible."

4 A. "He didn't really bail on anyone with some of the stuff  
5 they say he told them. The only stuff they got from him  
6 supposedly were details of the attack, which makes no  
7 difference because, like you said, at the end of the day  
8 there's still a big ditch there."

9 Q. "Right."

01:20 10 A. "Haha. This is awesome."

11 Q. "Akhi, they are idiots."

12 MR. AUERHAHN: Go to 607, please.

13 Q. And this is a conversation on January 30th at 11:14 p.m.?

14 A. Yes.

15 Q. Okay. "The executioner of the New York invasion.  
16 Junior."

17 A. Smiley face.

18 Q. "Keep them up, man."

19 A. "Hahaha. Seriously. Tried to imitate the shaykh in the  
01:21 20 picture he took with his library behind him."

21 Q. "Yeah, it looks nice, man. Seriously, keep them up for  
22 the future wife," wink.

23 A. "Haha."

24 Q. "All you need is paintball gun to make it complete."

25 A. "Haha. And a beard."

1 Q. "Did you see the doctor today on Jazirah? He told Bush to  
2 accept Islam."

3 A. "You sent me the article. I didn't see the video,  
4 though."

5 Q. "He kept referring to the shaykh and saying 'may Allah  
6 protect him.'"

7 A. "Masha'Allah. So he is alive. God bless, so he's alive."

8 Q. Now, you're talking about some picture. Could you explain  
9 to the jury what you mean by the picture?

01:21 10 A. Just, it's a picture I took in front of some books that I  
11 had that sort of imitated a -- I mean, a known picture online  
12 that you see of bin Laden standing in front of his personal  
13 library.

14 Q. And when you say "all you need is a paintball gun," what  
15 is that a reference to? I'm sorry. When Mr. Mehanna said "all  
16 you need is a paintball gun," what is that a reference to?

17 A. Referring to having, like, a gun in the picture.

18 Q. Did you have one?

19 A. I did.

01:22 20 Q. A paintball gun? Not a real one.

21 A. Not a real one; a paintball.

22 Q. And later when Mr. Mehanna refers to "Did you see the  
23 doctor on Jazirah," what did you understand that to mean?

24 A. Ayman al-Zawahiri.

25 Q. And who is Ayman al-Zawahiri?

1 A. The current leader of al Qa'ida.

2 Q. At the time?

3 A. Second-in-command.

4 Q. And Jazirah?

5 A. The Arabic news station.

6 Q. Now, we played a chat earlier where you talked about  
7 visiting New York again in the daytime?

8 A. Yes.

9 Q. When did -- did you visit Ground Zero in New York City  
01:23 10 with Mr. Mehanna?

11 A. Yes, I did.

12 Q. Do you remember approximately when that was?

13 A. I believe it was around December of 2005 or early 2006.

14 Q. And with whom did you go besides Mr. Mehanna?

15 A. It was me, Tarek Mehanna, Ibrahim Ismail and Daniel  
16 Spaulding.

17 Q. And did you visit Ground Zero?

18 A. Yes.

19 MR. AUERHAHN: Can we bring up just for the witness  
01:23 20 Exhibit 354A.

21 Q. And do you recognize who that is?

22 A. That's me.

23 Q. And do you recognize when that picture was taken?

24 A. Yes. It was taken during that trip.

25 Q. Okay. And is it a fair and accurate depiction of you

1 sitting in the backseat of a car on the way to New York or away  
2 from New York?

3 A. Yes.

4 MR. AUERHAHN: Your Honor, I would move into evidence  
5 Exhibit 354A.

6 THE COURT: Okay.

7 MR. AUERHAHN: I'm informed it's in as an attachment  
8 to an email, so he could display it.

9 THE COURT: Okay.

01:24 10 BY MR. AUERHAHN:

11 Q. So that's you sitting in the backseat of a car. Whose car  
12 was it?

13 A. It was our family car, but I had had it in Amherst at the  
14 time while I was -- while my father was shopping for a car for  
15 me.

16 Q. And did you take pictures at Ground Zero itself?

17 A. Yes, we did.

18 MR. AUERHAHN: Can we display Exhibit 354B, which I  
19 understand is already in evidence?

01:24 20 THE COURT: They're all in evidence --

21 MR. AUERHAHN: Yes.

22 THE COURT: -- as attachments to 354, I guess it is?

23 MR. AUERHAHN: Yes.

24 BY MR. AUERHAHN:

25 Q. And do you recall where this photograph was taken?

1 A. Right in front of Ground Zero.

2 Q. And can you identify the individuals in the photograph  
3 left to right?

4 A. I'm on the left, Daniel Spaulding is in the center, and  
5 Tarek Mehanna is on the right.

6 Q. All right. And what is the significance of the single  
7 raised index finger?

8 A. It's a symbol of monotheistic faith, of Islam. In this  
9 context, however, it's something that we -- sort of gimmick  
01:25 10 that we've seen in a lot of the videos that we watched, and it  
11 was something that the mujahideen are sort of notorious for.

12 Q. And when you say "the videos that we watched," what videos  
13 are you referring to?

14 A. The videos that -- I mean, that Tarek Mehanna sent me or  
15 just any videos that were circulating with -- on that subject  
16 matter of jihad.

17 Q. Okay. And you mentioned the word "mujahideen." I don't  
18 think the jury's heard that word before. Can you explain what  
19 a mujahid is?

01:26 20 A. "Mujahideen" is the plural of "mujahid," somebody who  
21 partakes in fighting.

22 Q. And you and Mr. Mehanna appear to have big smiles on your  
23 face?

24 MS. BASSIL: Objection.

25 THE COURT: Overruled.

1 BY MR. AUERHAHN:

2 Q. Were you happy at that time?

3 A. Yes.

4 Q. What were you happy about?

5 A. The attacks of 9/11 and what had gone on there.

6 MR. AUERHAHN: Can we show Exhibit 354C?

7 Q. And can you describe what's depicted in this photograph?

8 A. We're standing in front of Ground Zero and we are with  
9 smirks and laughs on our faces.

01:26 10 Q. And "we" being?

11 A. Me and Tarek Mehanna.

12 MR. AUERHAHN: And if we can show Exhibit 354O.

13 Q. And can you describe what's depicted in this photograph?

14 A. Tarek Mehanna on the left, Daniel Spaulding on the right  
15 standing right in front of Ground Zero.

16 Q. Okay.

17 MR. AUERHAHN: And 354G, please.

18 Q. Who's that?

19 A. Ibrahim Ismail.

01:27 20 THE REPORTER: I'm sorry?

21 THE WITNESS: Ibrahim Ismail.

22 BY MR. AUERHAHN:

23 Q. Maybe if you could spell his last name.

24 A. I-S-M-A-I-L.

25 Q. He was the other guy in the -- on the trip who wasn't in

1 the other photographs?

2 A. Yes.

3 MR. AUERHAHN: And if you could, Exhibit 354X, please.

4 Q. Do you recognize what this is?

5 A. Yeah, it's one of the pictures that were up at the  
6 memorial at Ground Zero. It's depicting the World Trade Center  
7 towers.

8 Q. Taken during the same trip?

9 A. Yes.

01:28 10 MR. AUERHAHN: And Exhibit 354AA, please?

11 Q. What is this?

12 A. Again, it's a map of the World Trade Center area.

13 Q. Okay. Taken that night at Ground Zero?

14 A. Yes.

15 MR. AUERHAHN: And finally, 354EE?

16 Q. What is this a picture of?

17 A. The outer area of Ground Zero.

18 Q. And it does say "World Trade Center"?

19 A. Yes.

01:29 20 Q. Now, sir, you've talked a little bit about videos. Can  
21 you describe some of the videos that you had a chance to watch  
22 with Mr. Mehanna?

23 A. Yeah. There was a video that he sent me depicting what  
24 were would-be suicide bombers in the Hadeed video, and there  
25 are other -- I mean, other videos generally depicting

1 operations of the mujahideen in different areas of the world.

2 Q. And what were the areas that were depicted in the videos  
3 that you saw with Mr. Mehanna?

4 A. The countries?

5 Q. Yes.

6 A. Chechnya, Afghanistan, Iraq. Those probably cover the  
7 bulk of them.

8 Q. Okay. And where did you watch these videos? I know you  
9 testified that you got a CD of one, but when you watched them  
01:30 10 with others, where did you watch them?

11 A. Generally -- I mean, most of the time it was at Tarek's  
12 house. I did watch some at Daniel -- Daniel Spaulding's house  
13 and Ahmad Abousamra's house as well.

14 Q. And who were the individuals with whom you would watch the  
15 videos?

16 A. Tarek Mehanna, Ahmad Abousamra. I do remember watching  
17 some with Daniel Spaulding as well.

18 Q. What was the purpose in watching these videos?

19 A. Sort of just to see what is going on over there, to have a  
01:31 20 visual of what's happening. And there was an element of trying  
21 to increase our spirituality.

22 Q. What about inspiring?

23 MS. BASSIL: Objection. Leading.

24 THE COURT: Sustained.

25 BY MR. AUERHAHN:

1 Q. Were there any other reasons for watching the video?

2 A. Yeah. There were -- I mean, we would watch because, I  
3 mean, there was an element of trying to gain inspiration from  
4 these videos.

5 Q. Inspiration to do what?

6 A. To -- I mean, to become -- to reach that level, I should  
7 say.

8 Q. And when you say "reach that level," what do you  
9 specifically mean?

01:31 10 A. To become like a mujahid.

11 Q. To fight in jihad?

12 A. Yes.

13 Q. And do you recall the first time you saw one of these  
14 jihadi videos?

15 A. Yes.

16 Q. Could you describe where and when?

17 A. I was at our local mosque in Sharon and Kareem Abuzahra,  
18 he had a -- we were playing some sport, whether it was football  
19 or soccer, in the parking lot. And they had parked somewhere  
01:32 20 close to where we were playing and he had a laptop out on the  
21 trunk of his car. And he had been playing a video from  
22 Chechnya.

23 MR. AUERHAHN: Can we display for the witness Exhibit  
24 757, please.

25 Q. Do you recognize who's depicted in those two photographs?

1 A. That's Kareem Abuzahra.

2 Q. The person you just described playing a Chechen jihadi  
3 video on his laptop?

4 A. Yes.

5 MR. AUERHAHN: Your Honor, I would move into evidence  
6 Exhibit 757, please.

7 THE COURT: Okay.

8 (Government Exhibit No. 757 received into evidence.)

9 BY MR. AUERHAHN:

01:33 10 Q. Now, you mentioned a couple of times a Dan Spaulding. Who  
11 was Dan Spaulding?

12 A. He was one of the guys that we used to hang out with. He  
13 was related to Ahmad Abousamra. It was his brother-in-law.

14 MR. AUERHAHN: And if we can display Exhibit 760 to  
15 the witness, please.

16 Q. Who's that?

17 A. Dan Spaulding.

18 MR. AUERHAHN: Your Honor, I would move into evidence  
19 Exhibit 760 and ask it be displayed.

01:33 20 THE COURT: All right.

21 MR. AUERHAHN: Thank you.

22 (Government Exhibit No. 760 received into evidence.)

23 BY MR. AUERHAHN:

24 Q. Now, do you speak Arabic?

25 A. Somewhat.

1 Q. Do you read Arabic?

2 A. Somewhat.

3 Q. Okay. How would you describe both -- first Mr. Abousamra  
4 and then Mr. Mehanna's Arabic skills as compared to yours?

5 A. Far superior.

6 Q. Okay. Which one? I should have broken it down. I'm  
7 sorry. First Mr. Abousamra.

8 A. Far superior than mine.

9 Q. Both reading and understanding, writing?

01:34 10 A. Yes. I mean, all aspects of the Arabic language, he was  
11 far superior to me.

12 Q. And how about Mr. Mehanna?

13 A. Same: far superior.

14 Q. And what about in terms of knowledge of Qur'an and hadith  
15 and the scholars?

16 A. Far superior, both of them.

17 Q. Okay.

18 MR. AUERHAHN: Exhibit 621, please.

19 Q. Okay. This is April 25th, 8:40:26 p.m., and there's a  
01:34 20 link send -- sent, and then you start talking?

21 A. "As-Salamu aalaikum. Peace be upon you. What is this?"

22 Q. "Peace be upon you. Az-Zarqawi."

23 A. "Nice...new?"

24 Q. "Just out today. First time he has ever been seen on  
25 video."

1 A. "Man, it's being weird. It's not working. Who is it  
2 addressing?"

3 Q. And then you receive a zq.jpg?

4 A. "Dude, what was that?"

5 Q. A blank space.

6 A. "What?"

7 Q. "What was what?"

8 A. "What did you just send me?"

9 Q. "The same thing. See if it works. Open it first, then  
01:35 10 ask me what it is, you, the smart one."

11 A. "It downloaded so fast I wasn't sure if you sent me  
12 something else."

13 Q. "Did it open?"

14 A. "I'm looking. How long is it?"

15 Q. "I don't know. I'm still downloading the vid. Did the  
16 pic open?"

17 A. "Yeah, I got the picture. I want to see the video, dude."

18 Q. "Here's what he says" -- and then he sends you a link.

19 "'Why don't you tell people that your soldiers are committing  
01:36 20 suicide, taking drugs and hallucination'" --

21 MR. AUERHAHN: Next page, please?

22 Q. -- "'pills to make them sleep?' he asked, directing his  
23 words to President Bush. 'By God, your dreams will be defeated  
24 by our blood and by our bodies. What is coming is even worse,'  
25 he said."

1 A. "Haha. Man. Subhan'Allah. Glory be to Allah."

2 Q. "'Our emir, Shaykh Osama bin Laden, has offered you a  
3 truce, which was good for you if you had accepted. But if you  
4 turned it down because of your arrogance,' al-Zarqawi said,  
5 referring to an offer al Qa'ida's chief made two years ago to  
6 cease attacks on Europe if the U.S. would withdraw from Iraq  
7 and Afghanistan. Here is the link to the video. Enjoy."

8 MR. AUERHAHN: And if we could go to the next page.

9 Q. Okay. And you'll see there that there's a link you  
01:37 10 received called zabbah.rm vb. Do you see that?

11 A. Yes.

12 MR. AUERHAHN: I would like to call up Exhibit 55A.

13 Q. And while he's doing that, you've already testified as to  
14 who al-Zarqawi was?

15 A. Yes.

16 Q. The leader of al Qa'ida in Iraq?

17 MS. BASSIL: Objection. Leading.

18 THE COURT: Well, I think it's already in the record.  
19 Go ahead.

01:37 20 MR. AUERHAHN: Okay. If you could play 55A, please.

21 (Video displayed to the Court and jury:)

22 MS. BASSIL: Your Honor, may we approach?

23 THE COURT: Can you pause it for a minute?

24 (Discussion at sidebar and out of the hearing of the  
25 jury:)

1 MS. BASSIL: This is all in Arabic. It's not  
2 translated. I mean, I understood certain videos  
3 are -- actually, don't need translations, but this one is all  
4 Arabic.

5 THE COURT: I thought you said yesterday we were going  
6 to play it without sound.

7 MR. AUERHAHN: If I said that or you understood it, I  
8 apologize. The video is going to depict Zargawi, showing on  
9 Mr. Lyness' screen over there. So just to establish that he  
01:39 10 sent him a video which was then found on his computer which was  
11 of Mr. Zargawi. And perhaps later we'll make a decision  
12 whether or not we're going to translate some or part of it with  
13 the translators.

14 But in terms of establishing what it is he sent him,  
15 at this point in time I think it's relevant because he's  
16 talking about Zargawi and there's a picture of Zargawi.

17 MS. BASSIL: Then turn off the sound and fast-forward  
18 to Zargawi.

19 THE COURT: Well, what harm does it do if none of the  
01:39 20 jurors will have any idea what they're saying?

21 MS. BASSIL: Because it conveys a certain -- that's  
22 right. They don't know what it's saying. It could be saying  
23 all kinds of horrible things. It could be saying what he --

24 THE COURT: But they won't consider that. That's the  
25 point. They'll just see --

1 MS. BASSIL: They certainly will have inferences about  
2 it. They certainly will be -- you know, it's got an ominous  
3 tone to it.

4 THE COURT: Has it been translated?

5 MS. BASSIL: No.

6 THE COURT: Do you have any idea of what he's saying?

7 MR. AUERHAHN: Well, we do from the summary --

8 MR. CHAKRAVARTY: From the summary.

9 MR. AUERHAHN: -- which looks good.

01:40 10 THE COURT: Let me see it. Let me see the summary.

11 (Pause.)

12 THE COURT: Is it feasible to cut out the sound and  
13 just show the picture or is it embedded in the video so you can  
14 only play?

15 MR. AUERHAHN: Can I ask Mr. Lyness a question? He  
16 may not know the answer.

17 If we just turn the sound off on the computer, would  
18 that cut off the feed to the system?

19 THE COURT: It may be that --

01:41 20 THE CLERK: I'm probably not the one to ask.

21 THE COURT: -- you could probably reduce the volume  
22 enough. If you turn it off, you'll probably turn off the video  
23 too.

24 MR. AUERHAHN: I was thinking just the sound.

25 THE COURT: Right. There's a setting that I control

1 for the general volume level of the system. And so we could  
2 try that.

3 MS. BASSIL: Turn it to zero.

4 THE COURT: Or close to it, yeah.

5 MR. CHAKRAVARTY: Your Honor, just an issue maybe not  
6 for this video, maybe later, sometimes the sound, even without  
7 the words, is relevant.

8 THE COURT: I understand that can be true.

9 MS. BASSIL: That's different.

01:42 10 (In open court:)

11 THE COURT: Go ahead. Why don't you try resuming it.

12 MR. AUERHAHN: If you can play without sound.

13 (Video published to the Court and jury.)

14 BY MR. AUERHAHN:

15 Q. And since I can talk over the lack of sound, do you  
16 recognize --

17 THE COURT: Well, the microphones won't work so you'll  
18 have to keep your voice up.

19 MR. AUERHAHN: Okay.

01:43 20 BY MR. AUERHAHN:

21 Q. Can you recognize who that is?

22 A. Abut Musab al-Zarqawi.

23 MR. AUERHAHN: Okay. That's number -- can we go to  
24 Exhibit 622, please? Okay. Actually, the whole page.

25 Q. April 27th, 00:26. That would be just after midnight. Is

1 that right?

2 A. Yes.

3 Q. And if you could start reading?

4 A. "Dude, Abu Musaab is the friggin' man. Peace be upon you.  
5 Sorry."

6 Q. "Peace be upon you. You saw the video?"

7 A. "Twice."

8 Q. "The gun he uses at the end, it's an M-249."

9 A. "Haha."

01:44 10 Q. "American made. He took it from the body of a dead  
11 soldier. It weighs over 15 pounds."

12 A. "It's supposed to be mounted on something."

13 Q. "But he hold it."

14 A. "Haha."

15 Q. "Like it weighs an ounce."

16 A. "Subhan'Allah. Glory be to Allah. He's amazing."

17 Q. "But, akhi, he doesn't exist, remember?"

18 A. "Haha. I was thinking about that. Such crap, man. He's  
19 like holding their very own weapons."

01:44 20 Q. "Dude, this has been a bad week for Bush. The two  
21 shayks -- Usama and Abu Mus'ab in the same week."

22 A. "Man, I know."

23 Q. "Someone should send him a diaper."

24 A. "Haha. He's the new Dog of the Romans."

25 Q. "He's more like" -- before we move on to the next page,

1 Mr. Mehanna talks about a gun he uses at the end. It's an  
2 M-249. Do you remember that part of the video?

3 A. Yes.

4 Q. And can you just quickly describe what he's referring to?

5 A. Just a piece of the video where he's holding this gun and  
6 he's shooting out into the open desert.

7 MR. AUERHAHN: Next page, please.

8 Q. From the bottom of the previous page, "He's more like the  
9 puppy of the Romans, and Abu Musaab is the lion that tears his  
01:45 10 limbs apart."

11 A. "Haha."

12 Q. Okay.

13 MR. AUERHAHN: Exhibit 626, please. Could you go to  
14 page 3, please, towards the bottom.

15 Q. Could you start reading where I've highlighted, please?

16 A. "Dude, one of the U.S. commanders was making fun of  
17 Zargawi about the tape. It's so funny. The guy is the biggest  
18 idiot."

19 Q. "Yeah."

01:46 20 MR. AUERHAHN: And then go on to the next page,  
21 please?

22 Q. Okay. "Read this response, though," and then you're sent  
23 a link. "These are former Marines and U.S. soldiers saying  
24 this."

25 A. "Subhan'Allah. I knew it was garbage the minute I heard

1 it."

2 Q. "Akhi, it should make you happy that this is what the  
3 world's mightiest army has been reduced to, trying to get out  
4 whatever 'comeback' they can because they know the tape caused  
5 them such defeat in their morale."

6 A. "Yeah, exactly. Very true."

7 Q. "And at the end of the day Zarqawi's ratings are going up  
8 while Bush's are going down. So nice try, but no."

9 A. "I want to see Bush try to shoot that thing for a straight  
01:47 10 minute."

11 Q. "He'd break a nail."

12 A. "Haha. The man chokes on pretzels."

13 Q. "Dude, it's enough that Zarqawi's supporters would give  
14 away their families to wash his feet while Bush is ridiculed  
15 and made fun of by most of his countrymen."

16 A. "Yeah, man."

17 Q. Then if you could go down to the bottom of the page.

18 A. "Do you know what I was thinking? About them making fun  
19 of Zarqawi?"

01:47 20 Q. "Yeah?"

21 A. "How Allah made the number of Muslims in the battle of  
22 badr look few in the eyes of quraysh" --

23 MR. AUERHAHN: Next page, please.

24 Q. Continue.

25 A. -- "and closer to the battle Allah made the number of

1 Muslims seem much larger. This could be something like that,  
2 to give the Americans the idea that their enemy is incompetent  
3 when, in reality, that's not the case."

4 Q. "Right. In reality, though, they know he is competent.  
5 Every body bag they unload from a cargo plane reminds them of  
6 that."

7 A. "Yeah."

8 Q. "I mean, it's over, man. The war is over. Now it's just  
9 a matter of cleaning up the mess and implementing a just  
01:48 10 Islamic government. I don't know any observer with half a  
11 brain can doubt who has won and who has lost."

12 A. "Yeah. Be right back, brother."

13 MR. AUERHAHN: Exhibit 624, please. Page 8.

14 Q. This page I just want to point out, bottom of the page,  
15 that there's a link sent to you. Do you see it at the bottom  
16 of the page?

17 A. Yes.

18 Q. And if you can move on to the next page. "Nice surprise."

19 A. "What is this?"

01:49 20 Q. "Did you open it first?"

21 A. "I'm trying to. It's saying I need to update something."

22 Q. "Copy and paste the link, man."

23 A. "I did, man. It's this flash player thing. One sec.  
24 Man, it's not working."

25 Q. "Ah, great."

1 A. "This stupid installation thing."

2 Q. "You had to see this."

3 A. "I want to see it. People seem pissed about it."

4 Q. "You can't install the player?"

5 A. "I'm trying. It's being weird. Man, I want to see it.

6 Is it like the shaykh or something? Brother, does this have  
7 anything to do with jinn?"

8 Q. "No jinn. And it's not the shaykh. Still not  
9 downloading?"

01:50 10 A. "Not working."

11 Q. "It's a video of a group of Marines seeing a weird object  
12 on the ground, so they stop to look at it. As soon as one of  
13 them gets out and tries to dismantle it and says, 'I think I  
14 got it,' the thing goes off."

15 A. "Man, I want to see."

16 Q. "And all the Marines are yelling 'O \*\*\*\*!!' The ones that  
17 survive, that is."

18 A. "Haha. LOL. Man, I'll try with Hassan's computer when he  
19 comes back."

01:50 20 Q. "Comes back? Where is he? Hehe. At 4 a.m.?"

21 The Hassan you're referring to is who?

22 A. Hassan Masood.

23 MR. AUERHAHN: The top of the next page, please?

24 Q. And just the first line?

25 A. "He's home for the weekend."

1 Q. Okay.

2 MR. AUERHAHN: Exhibit 612, please.

3 Q. Now, this is February 7th at 9:42:20. It begins, "You got  
4 fast net, right?"

5 A. "Yeah, man."

6 Q. "All right."

7 MR. AUERHAHN: Go on to the next page, please.

8 Q. "Enjoy this." And again, there's a link there. "You saw  
9 it before but it is translated with some nice added scenes,"  
01:51 10 smiley face. "You'll love it."

11 A. "Man, there's an error, it says."

12 Q. "Okay. Go here," and sends another link. "Scroll down to  
13 the last ad, 'Expedition of Umar Hadeed,' and click on the  
14 first link under it. Right click."

15 A. "Whoa, how long is this?"

16 Q. "Over an hour. How long is it going to take?"

17 A. "To download, it says like six hours."

18 Q. "Okay. Do you have a download manager?"

19 A. "What's that? Wait. Which one do I download, 59 mb?"

01:52 20 Q. "No. The first one or the second one. The second should  
21 be faster, akhi."

22 A. "Yeah."

23 Q. "How long will the second take?"

24 A. "That one's going to take two hours. The third one is  
25 like 35 minutes."

1 Q. "Do the third one, then. Quality not as good but still  
2 nice."

3 A. "Okay."

4 Q. "In the meantime, there's a program called 'FlashGet'  
5 which allows you to download files from the net five times as  
6 fast."

7 Before we move off this page, you mentioned earlier that  
8 you had seen the video "Umar Hadeed"?

9 A. Yes.

01:52 10 Q. And there's a reference here to "Expedition of Umar  
11 Hadeed." Is this the video you're referring to?

12 A. Yes.

13 Q. And when Mr. Mehanna says, "You saw it before but it is  
14 translated with some nice added scenes," had you seen an  
15 earlier version of this particular video?

16 A. I don't recall exactly.

17 Q. And he's describing various links. Could you explain, not  
18 in any detail, but what he's describing to you in terms of the  
19 links you're looking at?

01:53 20 A. He's describing how to download them.

21 Q. Were there different versions of the video?

22 A. Downloadable versions, you mean?

23 Q. Yes.

24 A. Yes.

25 MR. AUERHAHN: All right. If we could to the

1 next -- go ahead three pages.

2 Q. Okay. "Is it downloading or is there no activity?"

3 A. "It's downloading. It's going to be another hour."

4 Q. "Okay. Nice."

5 A. "What is it? What is it?"

6 Q. "The vid?"

7 A. "Yeah."

8 Q. "It's the Omar Hadeed vid with added clips from our  
9 beloved, and it's translated into English."

01:54 10 A. "Oh, nice."

11 Q. -- "by yours truly. So you can use that FlashGet for any  
12 files you download."

13 A. "Nice. This program is really good."

14 Q. "Tell me when it opens, man."

15 A. "Okay. Still some time."

16 Q. Now, the chat ends and then resumes about 17 minutes and  
17 30 -- 13 seconds later. And you say, "13 minutes and  
18 counting"; Mehanna says, "Okay. You'll love it. Trust me."

19 Now, when he said -- when Mr. Mehanna said "with added  
01:54 20 clips from our beloved and it's translated into English by  
21 yours truly," what did you understand that to mean?

22 A. That he, himself, translated the video.

23 MR. AUERHAHN: Okay. Down at the bottom.

24 A. "Man, I can't wait," smiley face. "It's working."

25 MR. AUERHAHN: Okay. Next page, please.

1 Q. Okay. "It opened?"

2 A. "Yeah."

3 Q. "The prison?"

4 A. "Haha," smiley face. "Yeah, man."

5 Q. "Abu Musaab is the one talking."

6 A. "Really? It doesn't sound like him."

7 Q. "Not the poem. The intro only."

8 A. "Oh, I passed that."

9 MR. AUERHAHN: If we could pause there and if you  
01:55 10 could -- I would like to play Exhibit 26, the first excerpt,  
11 please.

12 MR. BRUEMMER: With or without sound?

13 MR. AUERHAHN: May we approach just for a sec?

14 THE COURT: All right.

15 (Discussion at sidebar and out of the hearing of the  
16 jury:)

17 MR. AUERHAHN: Your Honor, this is the one that  
18 actually has subtitles, and so we would like to play it with  
19 sound.

01:56 20 MS. BASSIL: Yeah.

21 THE COURT: Okay. The email advance-noticed that 15  
22 segments you're going to play?

23 MR. AUERHAHN: Yes.

24 MS. BASSIL: It's now --

25 THE COURT: This is the Omar Hadeed?

1 MS. BASSIL: Yes. The whole thing is two hours.

2 MR. CHAKRAVARTY: Yes, the whole thing is two hours  
3 but we're not playing two hours.

4 (In open court:)

5 (Video published to the Court and jury.)

6 MR. AUERHAHN: Play the second segment, please.

7 (Video published to the Court and jury.)

8 MR. AUERHAHN: And the next segment, please.

9 (Video published to the Court and jury.)

02:01 10 BY MR. AUERHAHN:

11 Q. Sir, in -- I think it was the third segment, there was a  
12 reference to gardens and maidens and dowry -- expensive dowry.  
13 What is your understanding of what that reference was to?

14 A. What a reward in the hereafter would be for someone who  
15 was martyred.

16 Q. And the dowry -- the expensive dowry?

17 A. Blood.

18 MR. AUERHAHN: Now, if we could go back to Exhibit  
19 612, page 6. If you could remove the yellow and I'll highlight  
02:01 20 another section. Thank you.

21 Q. Okay. "Is the quality of the pic good?"

22 A. "Oh, I passed that. Yeah, it's excellent."

23 Q. "Where are you now in it? What time slot?"

24 A. "4:55. Haha. This is awesome. Subhan'Allah. Glory be  
25 to Allah."

1 Q. And then there's a smiley face?

2 A. "Haha. That part where he's taping the wires to the bomb  
3 in the car."

4 Q. "That clip was found in al-Jazeera."

5 A. "They showed it?"

6 Q. "Just that part with the wiring."

7 A. "Man."

8 MR. AUERHAHN: Okay. If we could now play Part 5 and  
9 6 of the exhibit.

02:02 10 Q. Are you, during this conversation, describing what you're  
11 watching on this video?

12 A. Yes.

13 Q. Okay.

14 (Video published to the Court and jury.)

15 MR. AUERHAHN: Pause it for a second.

16 Q. Now, where you were describing the part where he's taping  
17 the wires to the bomb in the cars, is this the segment you were  
18 referring to?

19 A. Yes.

02:03 20 MR. AUERHAHN: Okay. Continue, please.

21 (Video published to the Court and jury.)

22 Q. And the man who was taping the wires, what did you  
23 understand --

24 MR. AUERHAHN: Can you pause just for a second --

25 Q. What did you understand that he was preparing for?

1 A. A martyrdom operation; a suicide bombing.

2 Q. And the individuals that were shown in the earlier  
3 segment -- there were a number of individuals -- who did you  
4 understand them to be?

5 A. Soon-to-be suicide bombers.

6 MR. AUERHAHN: If you could continue playing, please.

7 (Video published to the Court and jury.)

8 If you could go back to Exhibit 612, please, page 6.

9 Q. Okay. "That's Abu M talking again. Again."

02:06 10 A. "Yeah, that sounds more like him."

11 Q. And were you referring to the voice we just heard?

12 A. Yes.

13 "Man, did that bomb actually destroy the tank completely?"

14 Q. "Which one?"

15 A. "The part where a car drives by one way, then the tank  
16 drives from the other way and blows up."

17 Q. "Let me see. Probably."

18 A. "18:13."

19 Q. "Definitely caused some major organ bleeding."

02:06 20 A. "Haha."

21 Q. "The beginning part is just giving us a picture of the  
22 situation there, of Ahl as-Sunnah in relation to the Shi'ah.  
23 All the army troops of the Iraqis that arrest the innocent  
24 there are the Shi'ah dogs."

25 A. "Yeah."

1 Q. "Umar Hadeed" --

2 MR. AUERHAHN: Next page, please.

3 Q. -- "was an engineer," smiley face.

4 A. "Haha. Man, this is so awesome."

5 MR. AUERHAHN: Could you play Excerpt 7, please.

6 (Video published to the Court and jury.)

7 MR. AUERHAHN: Can we go back to Exhibit 612, page 7,  
8 please.

9 Q. "Dude, look at the one at 28:00. Notice the circled guy  
02:09 10 flying off."

11 A. "Yeah, I just saw that. I'm at 28:45. Haha. I noticed  
12 that the second time."

13 Q. And we just saw that in the courtroom too, correct?

14 A. Yes.

15 Q. "Like cockroaches."

16 A. "Subhan'Allah. Glory be to Allah. This is amazing."

17 (Video published to the Court and jury.)

18 Q. Now, sir, what did you understand who these people were?

19 A. Suicide bombers.

02:11 20 MR. AUERHAHN: Okay.

21 (Video published to the Court and jury.)

22 MR. AUERHAHN: Can we go back to 612, please, page 7.

23 Q. "My fav bro is Abu Dharr from Libya."

24 A. "Yo, who was Umar Hadeed exactly?"

25 Q. And Abu Dharr was one of the men we saw from that segment?

1 A. Yes.

2 Q. "He was the commander of the mujahideen in Fallujah. He  
3 was killed last Ramadan, when the Americans invaded it."

4 A. "Oh, okay."

5 Q. "Abu Musaab told him to shave his beard and escape, but he  
6 refused, and he stayed till he was killed."

7 A. "Man, subhan'Allah. Glory be to Allah. How come they  
8 didn't show him?"

9 Q. "They did."

02:15 10 A. "When, dude?"

11 Q. "Did you see the part 29:40? In the background, that's  
12 him."

13 A. "Oh, that's him? Okay. I saw that. God bless. He is  
14 young."

15 Q. "Yeah. It is reported that he said, 'I will never leave  
16 Fallujah as long as there is one single foreign mujahid who has  
17 come here to help us.'"

18 A. "Man."

19 Q. "Dude, the nashid they sing is so funny."

02:15 20 A. "Haha. Yeah, I know."

21 MR. AUERHAHN: Next page, please?

22 Q. Actually, if you could just read the first line.

23 A. "Dude, they're like, 'Our commander, bin Laden, who  
24 terrorizes America.'"

25 Q. "Hehe."

1 MR. AUERHAHN: Could you play Segment 9, unless your  
2 Honor wants to take the morning break?

3 THE COURT: Well, I thought we could get through. I  
4 don't know how long it is.

5 MR. AUERHAHN: It will be a while yet. The clips  
6 of --

7 THE COURT: Okay. All right. Maybe we should. We're  
8 at eleven o'clock. We'll take the morning recess at this  
9 point.

02:16 10 THE CLERK: All rise for the Court and the jury. The  
11 Court will take the morning recess.

12 (The Court and jury exit the courtroom and there is a  
13 recess in the proceedings at 11:06 a.m.)

14 (Court and jury in at 11:27 a.m.)

15 THE COURT: Okay.

16 MR. AUERHAHN: May I proceed, your Honor?

17 THE COURT: Yes, please.

18 MR. AUERHAHN: We were about to queue up Segment 9.

19 (Video played.)

02:41 20 Q. Now, sir, who did you understand or what did you  
21 understand that person was?

22 A. Someone who was preparing to engage in a suicide bombing.

23 MR. AUERHAHN: Can you put up the two screen captures,  
24 please.

25 Q. Sir, do you recognize this as essentially a screen capture

1 from the segment we just saw?

2 A. Yes.

3 Q. Does the subtitle read, "To Whoever Hears Or Sees This CD  
4 Or Hears This Recording..."

5 MR. AUERHAHN: Next one, please.

6 Q. "...to Come Join the Jihad in the Land of Iraq, the Land  
7 of the Two Rivers." Is that also a screen capture from that  
8 video we just saw?

9 A. Yes.

02:42 10 MR. AUERHAHN: Go back to 612, Page 8, please.

11 Q. "Where you at?"

12 A. "36:22."

13 Q. "Man, you saw Abu Dharr talking, the one who was reading  
14 the Qur'an?"

15 A. "Yeah, he's awesome."

16 Q. "This brother Abu Zayd is quiet. But his words are  
17 powerful to say the least hehe."

18 A. "Man, I can't believe people like this exist in today's  
19 world."

02:43 20 Q. "Wait till you see the upcoming part where he is asked  
21 what do you say to the American troops."

22 MR. AUERHAHN: If you could play Segments 10 and 11,  
23 please.

24 (Video played.)

25 MR. AUERHAHN: And the next segment as well.

1 (Video played.)

2 MR. AUERHAHN: If we could go back to Exhibit 612,  
3 Page 8, please.

4 Q. "Did you see it hehe?"

5 A. "Man, yeah."

6 Q. "Hot."

7 A. "Man, this is intense. 'By Allah, this religion, our  
8 religion of Islam, will never be elevated except with Jihad in  
9 Allah's path'."

02:46 10 Q. "No, actually he's wrong. It will never be elevated  
11 except with demonstrations."

12 A. "Haha. Man, all right. Brother, I'm going to go to sleep  
13 and finish this tomorrow. I have about 15 minutes left but I'm  
14 very tired."

15 Q. "All right, bro. Hope you enjoyed it."

16 A. "Man, may Allah award you for it."

17 Q. "Good night."

18 A. "It's amazing so far. You too."

19 MR. AUERHAHN: If we could play Sections 12, 13, and  
02:47 20 14 now, please.

21 (Video played.)

22 Q. What do you understand this man is about to do?

23 A. Suicide bombing.

24 (Video played.)

25 MR. AUERHAHN: Next segment, too, please.

1 (Video played.)

2 MR. AUERHAHN: Go back to 612, Page 8.

3 Q. Actually, I'm going to start reading the last three lines.

4 "There is more of the shaykh at the end, I think."

5 A. "Okay. Maybe I can stay up a little longer."

6 MR. AUERHAHN: Next page, please.

7 Q. "Haha. No, sleep if you're tired."

8 A. "I'm at 104:55. I'll just finish."

9 Q. "Might as well. Might."

02:52 10 A. "Yeah. Okay. I'm gonna finish inshaa-'Allaah."

11 Q. "Keep in mind" -- then there's an auto response: "These  
12 guys are around our age."

13 A. "Subhan Allah, glory be to Allah."

14 (Video played.)

15 MR. AUERHAHN: Go back to 612, Page 9, please.

16 Q. "Go to 15:55, 1:15:55. That's the Shaykh's part."

17 A. "All right. Man, that was amazing. All right, brother.  
18 I'm gonna go to sleep. May Allah award you for sending me  
19 that."

02:55 20 MR. AUERHAHN: Finally, if you could play Segment 16.

21 (Video played.)

22 Q. Now, sir, in addition to identifying itself as from the  
23 media department of al Qa'ida in the land of the two rivers  
24 Iraq, there's also reference here to Tibyan Publications. Is  
25 that something you're familiar with?

1 A. Yes.

2 Q. What was Tibyan Publications?

3 A. It was a Jihadi website.

4 Q. What, if any, connection did Mr. Mehanna have to that  
5 website?

6 A. He was an administrator.

7 Q. How do you know that?

8 A. He helped me get my user name and password.

9 Q. Could you describe in general terms what Tibyan -- the  
02:59 10 website was?

11 A. Just included -- a website that included updates on the  
12 news of different lands that had a fight going on. There were  
13 pictures, forums, discussions. It's like any other social  
14 networking site.

15 Q. But Jihad was what brought the people together?

16 A. That was --

17 MS. BASSIL: Objection.

18 THE COURT: Rephrase it.

19 MR. AUERHAHN: I can rephrase it.

03:00 20 Q. What was the common theme among those who went to that  
21 particular site?

22 MS. BASSIL: Objection.

23 THE COURT: Overruled.

24 A. Jihad.

25 MR. AUERHAHN: Can we bring up Exhibit 635, please.

1 Q. And this is a chat, July 3, 2:24 p.m., between you and Mr.  
2 Mehanna?

3 A. Yes.

4 Q. Go ahead.

5 A. "Just reading news. You get me on Tibyan yet?"

6 Q. "Oh. What is your screen name, sir?"

7 A. "Actually, I was thinking and tell me what you like  
8 better. Abul-Hassan or Abu Usaamah."

9 Q. "Abu WTC?"

03:01 10 A. "Yeah, man, Abu Usaamah."

11 Q. "But there already is an Abu Usaamah. Man. How about  
12 as-Sayf, the sword?"

13 A. "Okay. I'm going to go by Abu Maryam al Misri the  
14 Egyptian then on Tibyan I want Abu Maryam."

15 Q. "Abu Maryam al Misri, okay."

16 A. "Yup."

17 Q. "Okay. Odd numbered prayers."

18 A. "Okay."

19 Q. "You have an email address I can use for it, one that you  
03:01 20 don't use?"

21 A. "What do you mean? Should I make one?"

22 Q. "Yes."

23 A. "Oh, okay. I have one that I never use, but I registered  
24 with my name. Does it make a difference?"

25 Q. "No, just give it to me."

1 So what were you talking about in this particular chat?

2 A. How to go about registering for the website.

3 MR. AUERHAHN: Can we go to Exhibit 613, please, Page  
4 2.

5 Q. "I found something nice for you," and then a link is sent.  
6 "Throw that in the download program."

7 A. "Nice. One sec."

8 Q. "Remember the clip at the end of the Umar Hadeed video  
9 where the shaykh was talking?"

03:02 10 A. "Yeah."

11 Q. "This is the entire speech translated into English as  
12 well."

13 A. "Wait. Is this the one where he says uqsim billahil  
14 atheem I swear to Allah, the Greatest?"

15 Q. "No. I already sent you that one."

16 A. "Yeah, but it wasn't video."

17 Q. Yes, it was, man.

18 MR. AUERHAHN: Can we go to Exhibit 627, please, Page  
19 2.

03:03 20 Q. "Dude, I saw the coolest blood donation clip today. I  
21 want you to see it."

22 A. "Hmm, sure."

23 Q. What's a blood donation clip?

24 A. A suicide operation.

25 Q. Then a link is sent, and Mr. Mehanna says, "Go to 10:35 or

1 10:30 actually."

2 A. "Haha."

3 Q. Then there's a smiley face. "This brother, he's a Saudi.  
4 He was in the American prison for mujahideen in Afghanistan.  
5 But he managed to escape and this video is from his first  
6 battle after escaping."

7 A. "The one in the white turbin."

8 Q. "The one who was talking, yeah. His name is Abu Nasir  
9 al-Qahtani."

03:03 10 A. "Masha Allah, God bless. Who's the brother in the black  
11 turbin."

12 Q. "Same guy."

13 A. "It is?"

14 Q. "Yes."

15 Did you learn who Abu Nasir al-Qahtani was?

16 A. Yes.

17 Q. Can you tell us what you were told by Mr. Mehanna?

18 A. He was a fighter in Afghanistan who had escaped from a  
19 prison. And I was shown a video that he -- where he's  
03:04 20 discussing and recording an operation on an American base.

21 Q. Now, you've talked a lot about various kinds of videos.  
22 Did you also see some videos that involved beheadings?

23 A. Yes.

24 Q. Who either showed you or gave you those videos?

25 A. Tarek Mehanna and Ahmed Abousamra.

1 Q. Can you describe what's depicted in beheading videos?

2 A. Well, there's -- at the beginning, there's just someone  
3 who's giving --

4 MS. BASSIL: Objection.

5 THE COURT: No. Go ahead. You may answer.

6 A. At the beginning, there's someone giving a speech and then  
7 they show someone get down and actually cut the head off of  
8 someone.

9 Q. And in the ones you saw, who was the victim or who were  
03:05 10 the victims?

11 A. Americans: Nick Berg; there was a Daniel Pearl video, but  
12 the one I remember was -- I think it's Nicholas Berg.

13 Q. Do you remember who committed the act in the video you  
14 saw?

15 A. If I recall correctly, it was Abu Musab al-Zarqawi.

16 Q. That's -- just so that we have it clear on the record,  
17 could you spell the name Zarqawi?

18 A. Z-a-r-q-a-w-i.

19 Q. We've talked about a lot of names today. Can you remind  
03:06 20 us who Abu Musab al-Zarqawi was?

21 A. The former leader of al Qa'ida in Iraq.

22 Q. Besides the one you just mentioned that you saw with  
23 Tarek, did you watch these beheading videos with anyone else?

24 MS. BASSIL: Objection. I don't think he said he  
25 watched it. I'm sorry.

1 MR. AUERHAHN: I apologize if I misspoke.

2 THE COURT: Rephrase it.

3 Q. Besides the one that you've just described, did you watch  
4 any of these videos with others?

5 A. Yes.

6 Q. With whom?

7 A. Ahmed Abousamra and Dan Spaulding.

8 Q. And the one that you talked about earlier, was that  
9 something you received from Mr. Mehanna or watched with him?

03:07 10 A. I can't recall exactly. I don't recall I received -- I  
11 think I received it from Ahmed Abousamra.

12 Q. Can you spell that for us?

13 A. The last name is A-b-o-u-s-a-m-r-a.

14 Q. The one you were talking about earlier with Mr. Mehanna,  
15 which one was that?

16 A. I believe that one was the Nicholas Berg.

17 Q. And did you receive that from Mr. Mehanna or watch it with  
18 him?

19 A. I believe I watched it with him.

03:07 20 Q. And do you remember where?

21 A. I believe at his house.

22 Q. Do you remember if anyone else was present?

23 A. I don't think so.

24 MR. AUERHAHN: If we can go to Exhibit 632, please.

25 Q. And this is a chat, June 12, 2006, 6:07 p.m., between you

1 and Mr. Mehanna, is that correct?

2 A. Yes.

3 Q. "You want a cool video?"

4 A. "Yes, please."

5 Q. "Just make supplication that it works with you."

6 A. "Haha."

7 Q. "And it is not one to miss."

8 A. "I hope it works, inshaa-'Allaah, Allah, God willing."

03:08 9 Q. "The beginning has a clip of the shaykh that I've never  
10 ever seen before."

11 A. "Nice. I heard they announced a new leader."

12 Q. "Abu Hamzah, may Allah protect him. He's a student of  
13 knowledge."

14 A. "Where is he from?"

15 Q. "Allah knows best but I think Baghdad."

16 A. "I see."

17 Q. And then you see -- you receive a link, The Heroes.wmv.  
18 "Tell me if it works."

19 A. "What the hell."

03:09 20 Q. "It doesn't?"

21 A. "Just the color is messed up."

22 Q. "Man, what the heck."

23 A. "Video setting on my comp sucks."

24 Q. "Do you have another computer in the house, hehe?"

25 When you're talking about a new leader, you say, "I heard

1 they announced a new leader," and Mr. Mehanna says, "Abu  
2 Hamzah," do you know what you're referring to?

3 A. Yeah. After who was -- this refers to the person who  
4 succeeded Abu Musab in Iraq.

5 Q. Abu Musab al Zarqawi?

6 A. Yes.

7 MR. AUERHAHN: If we could go do Exhibit 633, please.

8 Q. This is a chat, June 15th, just after midnight, between  
9 you and Mr. Mehanna.

03:10 10 A. "I heard my new favorite nasheed song today."

11 Q. "Peace be upon you."

12 A. "Peace be upon you."

13 Q. "Which one?"

14 A. "I don't know what it's called."

15 Q. "Okay."

16 A. "It's all in like a Jordanian accent."

17 Q. "What do you want me to do? Where did you hear it?"

18 A. "On a CD Ahmed let me borrow."

19 Q. "You charmed my soul, you martyr?"

03:10 20 A. "No. Let me finish. It goes, 'O mother, o mother, give  
21 me my machine gun'."

22 Q. "Aaah, yes, classic."

23 A. "Yeah. It's really good."

24 Q. "Palestinian. I love that one. Akhi, you've got to see  
25 that clip I sent you."

1 A. "Oh, did it transfer?"

2 Q. And the "Ahmed" you're referring to who loaned you a CD,  
3 who is that?

4 A. Ahmed Abousamra.

5 Q. Now, sir, did you learn at some point that your friends  
6 went to Yemen?

7 A. Yes.

8 Q. Did you learn about the trip either before or after?

9 A. Well, after. I mean, I initially heard of it by -- from  
03:11 10 someone who saw them at the airport.

11 MS. BASSIL: Objection.

12 THE COURT: No. Overruled. It may stand.

13 Q. After the -- after the trip, did you learn about it?

14 A. Yes.

15 Q. By speaking to whom?

16 A. Tarek Mehanna.

17 Q. What did Mr. Mehanna tell -- first of all, approximately  
18 when was this trip?

19 A. 2004.

03:11 20 Q. What did Mr. Mehanna tell you about the trip?

21 A. He told me that they had gone to a school to go learn in  
22 Yemen. And in another conversation, he had sent me a picture  
23 of a school in Yemen, and it had many, many bookcases. There  
24 were sleeping bags on the floor, sandals. And in another  
25 conversation, he had told me that -- I should say, of the

1 people that he spoke of there, he said that they -- everybody  
2 carries around AK-47s and that it looked more like a camp than  
3 it did a school.

4 Q. Did they -- either Mr. Mehanna or Mr. Abousamra speak  
5 openly about this trip?

6 A. Not very openly, no.

7 Q. Was there a difference between certain individuals and how  
8 they would talk about it in front of other individuals?

9 A. Yes.

03:12 10 Q. Could you describe that difference?

11 A. I mean, with us, they were -- his close friends -- their  
12 close friends, I should say, they were hesitant to talk about  
13 it, generally speaking. But then when -- anybody else outside  
14 of that circle, it was taboo.

15 Q. Did you ever talk to Mr. Abousamra about some specifics of  
16 that trip?

17 A. Yes, not the trip to Yemen, but he elaborated on a trip  
18 that he took after the trip to Yemen or directly after the trip  
19 to Yemen where he went to Iraq.

03:13 20 Q. Was it -- was there a -- during the same trip when he went  
21 to Yemen, continued to Iraq, or was it come back to U.S. in a  
22 separate trip?

23 A. Continued on to Iraq.

24 Q. Where and when did this conversation take place with Mr.  
25 Abousamra?

1 A. This was during his last semester at UMass Boston. I had  
2 just started there. And we were in the cafeteria, and he  
3 proceeded to tell me about that trip to Iraq. It was just me  
4 and him.

5 Q. When you say "last semester at UMass Boston," do you  
6 remember the year?

7 A. I believe it was winter of 2006, I believe.

8 Q. Okay. What did Mr. Abousamra tell you?

9 A. He told me that he had gone to Fallujah, and he explicitly  
03:14 10 told me that he had gone there to participate in fighting, or  
11 tried to. He described the man that he had met with, and he  
12 even -- he showed me a picture of this man. And the man had  
13 turned him away because he had not -- he told me that he turned  
14 him away because he was American. And he stayed there for --  
15 from what I recall from the conversation, he said he had stayed  
16 there for two weeks, until somebody could arrange a way out for  
17 him. And he described his stay in Fallujah. He said that he  
18 had -- he heard bombings and explosions. Every morning he woke  
19 up to them.

03:15 20 Q. Did he tell you why he specifically chose Fallujah?

21 A. Yes. I mean, it was -- he knew that -- he told me that it  
22 was a very active spot for fighting.

23 Q. When you say "fighting," did he say with whom he was  
24 fighting and against whom or with whom he wanted to fight and  
25 against whom?

1 A. He told me the Americans or the Shi'a. It didn't even  
2 matter to him.

3 MR. AUERHAHN: Can we bring up Exhibit 610, please,  
4 bottom of Page 4.

5 Q. "I had a crazy idea, man."

6 A. "What?"

7 Q. "That you and I go study in Yemen as soon as you finish  
8 undergrad."

9 MR. AUERHAHN: The top of the next page, please.

03:16 10 A. "Man, that would be awesome. Inshaa- 'Allaah, Allah  
11 willing, I would love to do that."

12 Q. "I'm 150 percent serious. There's a school there that is  
13 very good."

14 A. "Is that the one that shaykh muqbils student ran or  
15 something?"

16 Q. "Hehe. Yes. He is Masri, Egyptian, and his name is  
17 Abul-Hasan, like you."

18 A. "Haha, inshaa-'Allaah, God bless."

19 Q. "I met his son."

03:17 20 A. "Abul-Hasan?"

21 Q. "Yeah, Abul-Hasan himself was on a Hajj pilgrimage when I  
22 was there. But they all walk around the camp with camo jackets  
23 and AK-47s."

24 A. "Man, no way."

25 Q. "Way."

1 A. "Haha, that's awesome."

2 Q. "It's more of a camp than it is a school. You basically  
3 live with like 300 other brothers. Eat, play, study with  
4 them."

5 MR. AUERHAHN: Go to the bottom of the next page,  
6 please.

7 Q. I'll read the last two lines. "Don't tell me about this  
8 yet."

9 MR. AUERHAHN: Then if you could go on to the next  
03:17 10 page.

11 A. "Yeah, obviously, I wouldn't tell him till I had the  
12 tickets in hand."

13 Q. "Otherwise, he'll put a potato in my muffler."

14 A. "Haha."

15 Q. "Or like some eggplant or something."

16 A. "Haha."

17 Q. "Right after 9/11 the U.S. dropped a missile on the  
18 school?"

19 A. "What? Seriously?"

03:18 20 Q. "It missed though, yeah, man."

21 MR. AUERHAHN: Could you go to Exhibit 607, please.  
22 Now, if you could go to Page -- fourth page, please.

23 Q. See down at the bottom where there's a -- you receive a  
24 link. There's Arabic.rm vb, which is translated, Diverse  
25 Operations in Iraq-3.

1 MR. AUERHAHN: I would ask to play Exhibit 43, Diverse  
2 Operations in Iraq 3.

3 (Video played.)

4 MR. AUERHAHN: Could you go back to the exhibit and go  
5 ahead two pages, please. 617 -- no, Page 6.

6 Q. "You hear of the battle of Tora Bora in Afghanistan?"

7 A. "Yeah, I've heard of it. Don't know about it, though."

8 Q. "It was one of the biggest battles between al Qa'ida and  
9 the Americans. Remember the video of the shaykh talking..."

03:20 10 MR. AUERHAHN: Could you go to the next page, please.

11 Q. "... where he mentions Haqqani?"

12 A. "Yeah."

13 Q. "It was filmed during that battle. Anyways, the brothers  
14 who fought in that battle described how they were on this huge  
15 mountain, and the Americans were bombing nonstop, day and  
16 night. So they eventually had to retreat because the bombing  
17 was so intense. But they all said that the only groups of  
18 brothers who stayed and refused to withdraw until they were all  
19 killed were the Chechen brothers."

03:21 20 A. "Inshaa-'Allaah, glory be to Allah. Dude, you're getting  
21 me pumped up."

22 Q. "Red crescent, I know. Everyone dreams of joining."

23 A. "Haha."

24 Q. "Did you watch the short clip I sent?"

25 A. "Let me do that now. One sec."

1 Q. "Hehe, okay. Just the first 30 seconds. And that's what  
2 is cool."

3 A. "Haha, oh, my God."

4 Q. Smiley face. "Well, the hell for them."

5 A. "Haha. That's awesome."

6 Q. "The bottom says it was carrying a top U.S. Army general."

7 A. "Yeah, man. Dude, that's funny. The debris goes  
8 everywhere."

9 Q. Sort of in the middle of the page where you said, "Dude,  
03:22 10 you're getting me pumped up," what did you mean by that?

11 A. Pumped to -- for fighting.

12 Q. I'm sorry?

13 A. For fighting.

14 Q. And when Mr. Mehanna says, "Everyone dreams of joining,"  
15 what was your understanding of what that meant?

16 A. The fight.

17 MR. AUERHAHN: Could you go to the next page, please.

18 Q. Start reading at the top.

19 A. "Haha. Dude, that's so awesome. Oh, let's go donate  
03:22 20 blood over the summer."

21 Q. What do you mean by that, "Let's go" -- not reading,  
22 obviously. I'm asking you a question. What do you mean by,  
23 "Let's go donate blood over the summer"?

24 A. To fight.

25 Q. Mr. Mehanna says, "What the hell."

1 A. "Haha."

2 Q. "Inshaa-'Allaah. Allah willing."

3 A. "Really."

4 Q. "May Allah facilitate so your mom should kill me."

5 A. "Actually, my dad would be more pissed. But they don't  
6 have to know about it. I want to go, man."

7 Q. "Hehe. Well, I tried and they found out about it. So  
8 it's not that easy to keep them out of the picture."

9 A. "Well, them in the picture isn't going to help anything."

03:23 10 Q. "Akhi."

11 A. "Haha."

12 Q. "That's why I try to seek knowledge outside of America.  
13 You know what I'm saying so it's easier?"

14 A. "Yeah, man, I know."

15 Q. Smiley face.

16 A. "I'm sick of being here, man."

17 Q. "Yo, but seriously, if I try to go again, you would come?"

18 A. "Yes, dude, I'm dead serious."

19 Q. Let me ask you a few questions. So you said, again,  
03:24 20 "let's go donate blood" means?

21 A. To fight.

22 Q. When Mr. Mehanna said, "I tried and they found out about  
23 it," what did you understand that to mean?

24 MS. BASSIL: Objection.

25 THE COURT: Sustained.

1 Q. What was your understanding of those words?

2 MS. BASSIL: Objection.

3 THE COURT: Sustained.

4 MR. AUERHAHN: May we approach sidebar, your Honor?

5 THE COURT: All right.

6 (SIDEBAR CONFERENCE AS FOLLOWS:

7 MR. AUERHAHN: Shouldn't the witness be able to  
8 testify concerning his understanding of the conversation in  
9 which he participated?

03:25 10 THE COURT: It depends. Why is it relevant?

11 MR. AUERHAHN: Because what Mr. Mehanna is referring  
12 to is that his parents -- he's talking about wanting the  
13 fighting. And my parents found out about it last time and that  
14 it's very relevant, it seems to me, that he understands what  
15 Mr. --

16 THE COURT: What's directly in evidence is the  
17 defendant's state of mind, not the witness' state of mind.

18 MR. AUERHAHN: Usually when you have two sides of a  
19 conversation, a person can testify this is what I meant, and  
03:25 20 this is what I understood from the other person's words.

21 MS. BASSIL: His conversations are all over the place  
22 because it's also about going to study in Yemen, and it follows  
23 right up with you're going to need, like, \$3,000 if you want an  
24 apartment for your wife. So it is not -- you know, you can't  
25 determine what our client's -- he couldn't determine what his

1 state of mind was from it.

2 MR. AUERHAHN: I'm not asking what the defendant's  
3 state of mind was. I'm asking him what he understood.

4 THE COURT: I guess your presupposition is that his  
5 state of mind eliminates the defendant's state of mind. My  
6 question is: How does that happen in this conversation? That  
7 could theoretically happen, I agree. How does it happen here?

8 MR. AUERHAHN: Do you have the page number? From the  
9 beginning -- he says, "Let's go donate blood over the summer,"  
03:26 10 which he already said means "let's go fight."

11 THE COURT: Let me just pause on that because --  
12 there, of course, is no objection to that, but I would have  
13 allowed that because it was an explanation of terminology  
14 shared by the conversants.

15 MR. AUERHAHN: And then he goes on to say, "Your mom  
16 will kill me. My dad would be pissed," for obvious reasons.  
17 He said, I want to go but -- Mehanna says, I realize I've tried  
18 and they found out. "So it's not easy to keep them out of the  
19 picture." In other words, it's not easy to keep it from your  
03:27 20 parents that you're going to fight. Then he talks about why he  
21 wants to seek knowledge outside of the United States. He goes  
22 on to say, "If I try to go again, would you come?" Mehanna  
23 says that. And he again says, "I'm dead serious."

24 So they're talking about the fact that Mr. Mehanna  
25 went once. He wants to go again. And he's expressing --

1 THE COURT: And the jury has all that. Anyway --

2 MS. BASSIL: Sustained?

3 THE COURT: It remains sustained.

4 MS. BASSIL: I wanted to get to say that.

5 . . . END OF SIDEBAR CONFERENCE.)

6 Q. Let me back up to the top where you say, Actually, my dad  
7 -- well, Mr. Mehanna says, "So your mom would kill me," and you  
8 say, "Actually, my dad would be more pissed but they don't have  
9 to know about it. I want to go, man." What are you referring  
03:28 10 to?

11 A. I'm referring to the notion of going overseas to fight.

12 Q. And then Mr. Mehanna responds, "I tried and they found out  
13 about it. So it's not easy to keep them out of the picture."

14 Down at the bottom where Mr. Mehanna says, "If I tried to  
15 go again, you would come? Yes, dude, I'm dead serious." What  
16 are you dead serious about?

17 A. Going to -- going with him to fight overseas.

18 MR. AUERHAHN: If we could go on to the next page. I  
19 just want to highlight --

03:29 20 Q. There are two other -- see that, Diverse Operations in  
21 Iraq-10? And then Fatima's Fiance, do you see that?

22 A. Yes.

23 MR. AUERHAHN: Your Honor, I would like to play  
24 Exhibit 50, which is Diverse Operations in Iraq-10.

25 THE COURT: All right.

1 MS. BASSIL: Objection, your Honor.

2 THE COURT: Overruled.

3 (Video played.)

4 MR. AUERHAHN: And if we could play 52A, Fatima's  
5 Fiance.

6 (Video played.)

7 Q. Now, sir, what do you understand that man was about to do?

8 A. Suicide bombing.

9 Q. What was that thing next to him that he was patting?

03:31 10 A. The bomb.

11 MR. AUERHAHN: If we can go to Exhibit 618, please.

12 (Video played.)

13 Q. Now, this is a chat, March 23, 10:08 p.m., between you and  
14 Mr. Mehanna?

15 A. Yes.

16 Q. If you could start reading there, please?

17 A. "Al-Hamdu lillah, praise be to Allah. Dude, I've been  
18 thinking about Chechnya all day."

19 Q. "Hehe. Really?"

03:32 20 A. "I even had a dream about it. We were both there."

21 Q. "Nice."

22 A. "And Ahmed and Ibrahim."

23 Q. Who's Ibrahim?

24 A. I believe I'm referring to Ibrahim Ismail.

25 Q. Ahmed?

1 A. Ahmed Abousamra.

2 MR. AUERHAHN: Next page, please.

3 Q. "Uh oh, hehe. And the whole group."

4 A. "Man, that's where real life is."

5 Q. "Here's a nice nasheed about Chechnya."

6 A. "Nice."

7 Q. "You are Salman Raduyev the second."

8 A. "Haha."

9 Q. And then a link was sent -- excuse me. An MP3?

03:32 10 A. "He's the man. This nasheed song is really nice. Who is  
11 that in the beginning? Khattab."

12 Q. "Khattab, yeah."

13 A. "Then al Waleed, right?"

14 Q. "Yup."

15 A. "Heros."

16 Q. "Another one." And then another MP3 is sent you.

17 Who's Khattab?

18 A. He was one of the leaders of the mujahideen in Chechnya.

19 Q. Down at the bottom, there's another link sent. Do you see  
03:33 20 that there?

21 A. Yes.

22 MR. AUERHAHN: If we can move on to the next page.

23 Q. "That."

24 A. "About Saudi mujahideen in Iraq. Oh, you sent me the  
25 link."

1 Q. "Yeah, yeah, he talks about the shaykh."

2 A. "Man between the ages of 15 and 25."

3 Q. "Yeah, the shaykh himself was around 25 at the time."

4 A. "Man, haha. He said the shaykh is the commander of the  
5 Arab mujahideen in Afghanistan."

6 Q. And the shaykh here is whom?

7 A. Osama bin Laden.

8 Q. "Did you see the last clip?"

9 A. "Yeah."

03:34 10 Q. "Akhi, you should realize that such people when they were  
11 at their homes, living with their families and interacting with  
12 their communities, they were the most pious of all people and  
13 the most abstinent from the fallacies of the worldly life.  
14 They had attained a certain level of faith and worship and  
15 piety which qualified them for the status that they achieved.  
16 So think about what implications that has for you and I..."

17 MR. AUERHAHN: Next page, please.

18 Q. "... and how we live or lives on a day-to-day basis."

19 A. "Man, subhan Allah, glory be to Allah. Subhan Allah,  
03:35 20 akhi, glory be to Allah brother, the circumstances we live in  
21 today for leaving for peanut butter are unique?"

22 Q. And can you explain that to us, what do you mean by  
23 "leaving for peanut butter"?

24 A. Leaving for fighting, Jihad.

25 Q. "Peanut butter" is code for Jihad?

1 A. Yes.

2 Q. "Hehe, indeed, in fact, the one who does so is pretty much  
3 thought of as a nut case. "

4 A. "Yeah, and the actual procedure of going before people  
5 just made the decision and could go. Nowadays you make a  
6 decision and try hard to get there. There's no turning back  
7 from it."

8 Q. "May Allah facilitate."

9 A. "Oh, Lord."

03:35 10 Q. "You know, if we tried to reach that level of piety and  
11 piety and closeness to Allah, then it would be a snap."

12 A. "He will make it easy but it will be a huge struggle, like  
13 with the security measures nowadays."

14 Q. "Dinnertime prayers."

15 A. "Okay."

16 Q. "Peace."

17 A. "Peace be upon you."

18 Q. "Nice pic from back in the day, hehe."

19 A. "Haha, haha, you have those pics?"

03:36 20 Q. "Away, yes, not for long, though, it can be used as  
21 evidence." Smiley face.

22 A. "Haha."

23 Q. "Nice." Where it says "not for long, though, it can be  
24 used for evidence," what was your understanding of what that  
25 meant?

1 MS. BASSIL: Objection.

2 THE COURT: Rephrase it.

3 Q. What did the phrase "not for long, it can be used for  
4 evidence" mean to you?

5 MS. BASSIL: Objection.

6 THE COURT: Sustained.

7 Q. How did you understand those words?

8 MS. BASSIL: Objection.

9 THE COURT: No, sustained.

03:37 10 Q. Let's move on. Now, you described a conversation you had  
11 with Mr. Abousamra at UMass where he talked about his personal  
12 experiences in Iraq?

13 A. Yes.

14 Q. Was that -- were you aware that at some point in that same  
15 fall to winter of 2006, he was questioned by the FBI?

16 A. Yes, I was.

17 Q. Where was he just before he was questioned?

18 A. He was at UMass.

19 Q. Who was he with?

03:37 20 A. I was with him.

21 Q. Were you there when someone came over to talk to him?

22 A. Yes.

23 Q. What did you do after he left with the -- actually, who  
24 did he leave with?

25 A. He left with an officer, a UMass Boston officer.

1 Q. What did you do after he left?

2 A. I called his father.

3 Q. Did you -- when did you next see Mr. Abousamra?

4 A. That same night.

5 Q. Did you talk about what had happened?

6 A. I tried to ask him what happened, and he -- under his  
7 breath, he kept muttering an Arabic phrase that meant "this is  
8 the decree of God," and he kept just saying that over and over  
9 again.

03:38 10 Q. Now, did you ever learn that Mr. Mehanna had also been  
11 interviewed by the FBI?

12 A. I did.

13 Q. From whom?

14 A. From Tarek Mehanna.

15 Q. What did Mr. Mehanna tell you about his interview by the  
16 FBI?

17 A. He told me that they showed him a picture of Daniel  
18 Maldonado and had questioned him about where he was.

19 Q. Did he tell you what he told the FBI?

03:38 20 A. I don't recall exactly.

21 Q. Okay. And I think this may be the first time you  
22 mentioned that name, Daniel Maldonado. Who was Daniel  
23 Maldonado?

24 A. He was Tarek Mehanna's best friend.

25 Q. Did you have conversation with Mr. Mehanna about what

1 happened to Mr. Maldonado?

2 A. Yes. Daniel Maldonado was -- he had moved to Egypt, and I  
3 believe it was a few months later he was arrested in Kenya.  
4 And Tarek had told me that he had -- or when Daniel was  
5 arrested, the media -- there were reports that there was an  
6 American that was arrested in Kenya who was fleeing from the  
7 fight in Somalia. When those reports came out and there was a  
8 phone conversation that Tarek had reference in --

9 Q. Let me stop you for a second so we know -- are you  
03:40 10 describing media reports you read or media reports you  
11 discussed with Mr. Mehanna?

12 A. These are media reports that Tarek made me aware of.

13 Q. Okay. So continue then, please.

14 A. In the report, it had described -- it described a phone  
15 call Daniel Maldonado made to a friend. And the report did not  
16 mention that it was Daniel Maldonado. At this point, his name  
17 had still not been disclosed. And it had mentioned a phone  
18 call that this individual made to a friend in the United  
19 States. In the phone call, there was a reference to peanut  
03:40 20 butter and jelly. And Tarek then told me, or I believe I asked  
21 him, "Who is this talking about?" And he said that this was  
22 Dan and that this person -- this person that he had called was  
23 me. They're talking about me.

24 Q. Did he tell you why Maldonado had called him?

25 MS. BASSIL: Objection.

1 THE COURT: Overruled. You may answer.

2 A. I can't recall right now. I can't remember if he  
3 discussed that with me.

4 Q. Okay.

5 MR. AUERHAHN: Can we go to Exhibit 616, please.

6 Q. I just want to draw your attention to -- Mr. Mehanna says,  
7 "I wrote this poem. Check out my poem," and sends you a link  
8 or -- excuse me, not a link but a document, "Make Death What  
9 You Seek." Are you familiar with "Make Death What You Seek"?

03:42 10 A. Yes.

11 MR. AUERHAHN: Can we bring up Exhibit 441, please,  
12 for the witness -- for the witness only first, please.

13 THE COURT: All right. Go ahead.

14 Q. First, sir, do you recognize what this is?

15 A. Yes.

16 Q. What do you recognize this to be?

17 A. A poem written by Tarek Mehanna.

18 Q. And it's identified as "by Abu Sabaayaa." Who's Abu  
19 Sabaayaa?

03:43 20 A. That's Tarek.

21 MR. AUERHAHN: Your Honor, I move into evidence  
22 Exhibit 441, please.

23 THE COURT: All right. Admitted.

24 (Exhibit No. 441 received into evidence.)

25 Q. Can you read that, please.

1 A. Read the poem?

2 Q. Yes.

3 A. "The bullets hit your hearts like the stings of a bee, You  
4 fall on your face as all you can see. Are the Gardens so wide  
5 when you're put in the ground, You've been searching for years  
6 and now you have found. The Ultimate Prize, so sacred, so  
7 sweet, Your bargain with your Lord is finally complete.  
8 Because you are all martyrs without fear or grief, Who gave all  
9 you had for your precious belief. You promised Him your souls  
10 and He promised you much more, Now you can enjoy what He's kept  
11 in store. An endless reward for those who stood by, The  
12 covenant they made that towards death they would fly. While  
13 graves burn the sinners and squeeze them so tight, You're shown  
14 your places in the Garden, so spacious and bright. On the Day  
15 when Great Terror shall steal all their words, Your souls will  
16 rest in the hearts of green birds. Under the Great Throne with  
17 beauty beyond measure, At you ar-Rahmaan laughs, expressing His  
18 Pleasure. Sufficient is this as a heavenly prize, But prepared  
19 for you is that never before seen by the eyes. On your head is  
20 placed a crown, one jewel of which is worth, More than all of  
21 the jewels contained in this Earth. You are brought to a  
22 gathering with companions so beautiful, The Prophets, the  
23 righteous and those who were truthful. Al-Firdaws, where those  
24 of the Right hand shall meet, Where the soil is white musk, so  
25 smooth and so sweet. You scoop up a handful and throw it in

1 the air, You are relaxed by the rivers flowing everywhere.  
2 Water, milk and honey gushing forth non-stop, So thick and  
3 delicious you want to devour each drop. You drink so much you  
4 almost end up falling into the flowing current, then you hear  
5 voices calling..."

6 Q. Now, you testified earlier about the concept of gardens?

7 A. Yes.

8 Q. As what?

9 A. As a reward in the afterlife.

03:45 10 Q. Is this a description of that?

11 A. Yes.

12 Q. And on the -- in the third paragraph, it's mentioned  
13 "martyrs."

14 A. Yes.

15 Q. What's a martyr?

16 A. Someone who dies in battle.

17 MR. AUERHAHN: Can we go on to the second page,  
18 please.

19 Q. If you could continue.

03:46 20 A. "You turn and behold! The voices are singing, Coming from  
21 Maidens so fair and enchanting. These are the Hoorees with  
22 round and firm chests, Pure untouched virgins, they're better  
23 than the best. Seventy-two in all, with large eyes of dark  
24 hue, Each one created especially for you. They call out your  
25 name asking where you are, But to their disappointment, from

1 the battles you are far. Your heart is intoxicated by the  
2 pleasures of this life, Fear (of death) has wounded your  
3 manhood like a sharp knife. A knife sharpened by the callers  
4 to Hell's every door, Who pulled the sword from your hand and  
5 threw it to the floor. And given you woman, children and money  
6 instead, Convincing you 'this is better than ending up dead.'  
7 But no! They are alive, rejoicing and provided for! When  
8 asked what they desire, they will answer no more! So be from  
9 the cream of the heavenly crop! Shake off your fear and let  
10 your doubts drop! Pick up the sword and grab your horse's  
11 reins tight! Throw off your armor and jump into the fight!  
12 Make your path be none other than Islaam's high peak, Whose  
13 mountain is climbed by making death what you seek!"

14 Q. At the stop of this page there's reference to maidens and  
15 virgins and 72. What do you understand that to be a reference  
16 to?

17 A. Also a reward for those who die on the battlefield.

18 Q. Now, you --

19 MR. AUERHAHN: Actually, can we play tape 305, and can  
03:48 20 you show the transcript 306 at the same time.

21 THE COURT: Is this in evidence, 305?

22 MR. AUERHAHN: Yes, it is.

23 MS. BASSIL: No objection.

24 MR. AUERHAHN: It is.

25 THE COURT: Let me just see counsel for a minute.

1 (SIDEBAR CONFERENCE AS FOLLOWS:

2 THE COURT: There's a recording and a transcript.

3 MR. AUERHAHN: Yeah.

4 THE COURT: Are they both in evidence?

5 MR. CHAKRAVARTY: Yes, yes.

6 THE COURT: Calls in English?

7 MR. AUERHAHN: No, there's some Arabic. Mostly. This  
8 one is mostly in English, I think.

9 THE COURT: Is that true of the next two exhibits as  
03:49 10 well?

11 MS. BASSIL: They're more like greetings in the  
12 beginning.

13 THE COURT: So they're more like we've seen?

14 MS. BASSIL: You know, God willing.

15 THE COURT: Every once in a while there's a word.

16 MR. CARNEY: Your Honor, while we're here, can the  
17 government alert us before they play another video of United  
18 States soldiers being blown up because I want to have the  
19 opportunity to come to the sidebar and object and, if it's  
03:49 20 overruled, return to the sidebar and move for a mistrial. So  
21 if they can just alert --

22 MR. AUERHAHN: I don't think I'm doing any more today.

23 MR. CHAKRAVARTY: We intend to do so.

24 MR. CARNEY: If they can just alert us.

25 THE COURT: Just like you're telling the ref to call

1 time out so you --

2 MR. CARNEY: No. It's like telling the Court that  
3 enough is enough. They get the point.

4 THE COURT: No, I understand. You're just alerting me  
5 to the signals.

6 MR. CARNEY: Yes, yes. I'm sorry. I was -- I should  
7 have picked up on that.

8 MS. BASSIL: He'll put his hand to the top of his tie.

9 MR. CARNEY: I'm sorry. I didn't catch that.

03:50 10 . . . END OF SIDEBAR CONFERENCE.)

11 (Recording played.)

12 Q. First, sir, do you recognize the voices on the tape?

13 A. Yes.

14 Q. Who is that?

15 A. That's me and Tarek Mehanna.

16 Q. A couple times you make reference to peanut butter and  
17 jelly. In this conversation, what's the meaning of it?

18 A. Jihad.

19 Q. Why did you use peanut butter and jelly when talking on  
03:53 20 telephones, in chats?

21 A. To avoid using the word Jihad.

22 Q. Why did you want to avoid using the word Jihad?

23 A. Dangerous word.

24 Q. Was there a concern about law enforcement scrutiny?

25 MS. BASSIL: Objection.

1 THE COURT: Overruled. You may answer that.

2 A. Yes.

3 MR. AUERHAHN: If we could go to Exhibit 608, please.

4 Q. Just want to -- there's a link with usama\_photo, and then  
5 Mr. Mehanna says, "Delete it after you see it." Do you see  
6 that?

7 A. Yes.

8 Q. Now, you said earlier that there were -- you would talk  
9 differently depending on who you were in front of?

03:55 10 A. Yes.

11 Q. Were there any topics that were forbidden in front of  
12 certain people?

13 MS. BASSIL: Objection.

14 THE COURT: Overruled.

15 A. Not formally, but there were subjects that were always  
16 avoided in front of certain people, yes.

17 Q. What about in front of Mr. Mehanna's parents?

18 A. Yes, absolutely.

19 Q. Did Mr. Mehanna tell you specifically about this issue and  
03:55 20 his relationship with his parents?

21 A. Yeah. He made reference of it sometimes.

22 Q. Okay. Can you tell us what he said?

23 A. He would tell me stories about how him and his father  
24 would butt heads on certain things and that his father grew  
25 concerned with his systemic ideology.

1 Q. Did he tell you specifically what his father's concerns  
2 were?

3 A. Yeah, that he believed that they were extreme views.

4 Q. Did he talk about any specific things he had done which  
5 caused his father concern?

6 A. I can't recall specific conversations, but -- I mean, he  
7 did tell me that his father was concerned about the trip to  
8 Yemen.

9 Q. Did his father express concern about any particular  
03:56 10 relationships?

11 A. Yes. He was very concerned about his relationship with  
12 Ahmed Abousamra.

13 MR. AUERHAHN: Can we have Exhibit 634.

14 Q. You can start reading there, please, chat on June 20, just  
15 after midnight, between you and Mr. Mehanna.

16 A. Yes.

17 Q. You can start reading the highlighted portion, please.

18 A. "I just wanted to say may Allah reward you for the amazing  
19 sermon on Friday. I had to rush afterwards. I couldn't talk."

03:57 20 Q. "Thanks, man."

21 A. "But Allah reward you."

22 Q. "It was nothing, although it seems there was some  
23 commotion about it afterwards at your sister's wedding."

24 A. "Yeah. I heard. What do you mean?"

25 Q. "Well, I was in New York Friday night and I got phone

1 calls saying that a bunch of people from the Masjid mosque  
2 ganged up on my father at the wedding."

3 If you can go to the next page. What's a khutbah?

4 A. Sermon.

5 Q. And were you present at the sermon that's the topic of  
6 this discussion?

7 A. Yes, I was.

8 Q. And can you describe what happened?

9 A. It was at the mosque in Sharon, and Tarek was giving the  
03:58 10 Friday sermon. And the topic of the sermon was remaining firm  
11 on your religion. The part of the sermon that caused a lot of  
12 commotion was that he had physically brought in a copy of the  
13 RAND report, to reference the RAND report during the sermon.  
14 And from what I remember, was that it was very emotional -- it  
15 was an emotional sermon. And I remember there was a part where  
16 he actually took the RAND report and threw it to his side.

17 But, I mean, the sermon itself also discussed -- I guess  
18 there were categorizations of practicing Muslims. I can't  
19 remember exact -- I can't recall exactly, but they were, like,  
03:59 20 progressive. And there was a term that they used to describe  
21 strict Muslims. And the conclusion was that there was -- this  
22 progressive group is what the government prefers of the Muslim  
23 community and that this angered him and it was visible in the  
24 sermon.

25 Q. Let's go on to the next page. Continuing from the

1 previous page, "I got phone calls saying that a bunch of people  
2 from the mosque gained up on my father at the wedding and told  
3 them about what I did just totally exaggerating everything."

4 A. "I thought they called your dad. Our parents are so  
5 weird, man. Me and Ahmed were talking about this today  
6 especially the board members."

7 Q. "Did your father say anything?"

8 A. "He was like it was extremely dangerous."

9 Q. "Okay. I don't understand really. What part of it?"

04:00 10 A. "And he keeps saying that we will never understand the  
11 consequences of our actions until we're in jail."

12 Q. "Did I incite the people to do anything? No. I simply  
13 read from something plainly available online, nothing illegal,  
14 nothing related to Jihad. I don't see why people like to make  
15 a Lifetime movie out of the everything."

16 A. "Yeah, the sermon was incredible. From what I hear, it  
17 was only the board that made a problem. Other people suggested  
18 to the board that they bring you back once a month for a  
19 sermon."

04:00 20 Q. "Yeah, well, Muhiuddin says otherwise, by the way. Was  
21 Shaykh Mas'ud angry with me?"

22 A. "I'm not sure about that."

23 Q. "Because he told me keep it mild."

24 A. "Oh, really?"

25 Q. "I thought he meant like nothing about J."

1 A. "No, he meant nothing relevant."

2 Q. And Shaykh Mas'ud is who?

3 A. He's Hassan's father, former Imam at the Sharon mosque.

4 Q. Now, earlier today we read a chat where you said you  
5 wanted to donate blood this summer. Do you remember that?

6 A. Yes.

7 Q. Did you mean that?

8 A. No.

9 Q. Why did you say it?

04:01 10 A. I wanted to enhance my relationship with Tarek.

11 Q. Why did you think that would enhance your relationship  
12 with Tarek?

13 MS. BASSIL: Objection.

14 THE COURT: Overruled.

15 A. Based on my relationship with him and the conversations  
16 that we had, I felt that that was the subject matter that would  
17 do the trick.

18 Q. Now, you also mentioned that you at some point actually  
19 received a DVD, a Nineteen Martyrs DVD, from Mr. Mehanna?

04:02 20 A. Yes.

21 Q. And as we've seen here, you've received other materials  
22 online?

23 A. Yes.

24 Q. What did you do with all that material?

25 A. I confiscated them, got rid of them.

1 Q. When?

2 A. There was not one -- it wasn't one fluid act where I  
3 gathered everything and disposed of them. I remember there was  
4 one point where my father had had open heart surgery, and Tarek  
5 and his family came to visit my father. As Tarek was leaving,  
6 he was putting his shoes on, and I was sitting on the stairs  
7 facing him. And he had told me that -- he told me that the FBI  
8 was going to arrest him. And I was shocked and became very  
9 worried and very scared, and that was the point where I started  
04:03 10 to dispose -- or tried to dispose of this material.

11 Q. At this point in time, it's all gone?

12 A. I can't be sure.

13 MR. AUERHAHN: Your Honor, no further questions.

14 THE COURT: We're almost at 1.

15 MS. BASSIL: Let's start tomorrow.

16 THE COURT: Okay. We'll take the break just a little  
17 bit early.

18 Jurors, again, I caution you against any discussion of  
19 the matters in evidence among yourselves or with anyone else.

04:03 20 We'll resume tomorrow at 9.

21 (Whereupon, at 12:53 p.m. the trial recessed.)

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## C E R T I F I C A T E

We, Marcia G. Patrisso, RMR, CRR, and Cheryl Dahlstrom, RMR, CRR, Official Reporters of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of our skill and ability, a true and accurate transcription of our stenotype notes taken in the matter of Criminal Action No. 09-10017-GAO-1, United States of America v. Tarek Mehanna.

/s/ Marcia G. Patrisso  
MARCIA G. PATRISSE, RMR, CRR  
Official Court Reporter

/s/ Cheryl Dahlstrom  
CHERYL DAHLSTROM, RMR, CRR  
Official Court Reporter

Date: November 3, 2011